

UCLA Faculty Association Blog: 4th Quarter 2018



OFFICE OF THE GOVERNOR

SEP 30 2018

To the Members of the California State Senate:

I am signing Senate Bill 826 which requires a publicly held corporation, whose principal executive offices are located in California, to have a representative number of women on its board of directors.

There have been numerous objections to this bill and serious legal concerns have been raised. I don't minimize the potential flaws that indeed may prove fatal to its ultimate implementation. Nevertheless, recent events in Washington, D.C.--and beyond--make it crystal clear that many are not getting the message.

As far back as 1886, and before women were even allowed to vote, corporations have been considered persons within the meaning of the Fourteenth Amendment. *Santa Clara County v. Southern Pacific Railroad Company*, 118 U.S. 394 (1886).

Given all the special privileges that corporations have enjoyed for so long, it's high time corporate boards include the people who constitute more than half the "persons" in America.

Sincerely,


Edmund G. Brown Jr.

cc: United States Senate Committee on the Judiciary

Blog of UCLA Faculty Association. All audios, videos, and animated gifs are omitted. For those items, go to original at <http://uclafacultyassociation.blogspot.com/>

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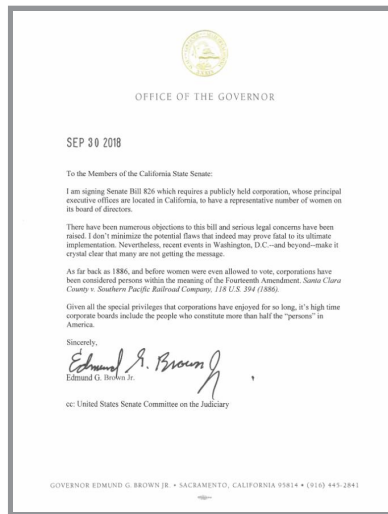
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FYI: Brown's Regents

Monday, October 01, 2018



Gov. Brown recently signed a bill mandating a minimum number of women to be members of corporate boards in California. See above (*and note the cc:*). Yours truly did a quick count of Brown appointees to the Regents. He has appointed 5 female Regents: Anguiano, Butler, Estalano, Park, and Taucher. And he has appointed 8 men: Blum, Cohen, Elliot, Bruber, Lieb, Oakley, Perez, and Sherman.

Nurse Pay Increases

Monday, October 01, 2018



UCLA Nurses, back in the day From the *Sacramento Bee*: *The California Nurses Association reported Monday that registered nurses at the University of California have voted overwhelmingly to ratify a five-year contract that includes pay increases totaling 15 percent over the life of the deal. The new contract becomes effective immediately, union officials said, and besides wages, includes clauses that ensured nurses would not be assigned to areas requiring specialty expertise without proper training, granted greater protections for nurses working on a daily contractual basis and required UC facilities to have a comprehensive plan to manage workplace violence. Data from the U.S. Bureau of Labor Statistics show that hospital workers face a far greater risk of violent incidents than other workers in private industry...*

New hires will also maintain the same retirement benefits as current nurses until April 2020, after which either side may reopen the issue, UC leaders noted... Full story at <https://www.sacbee.com/latest-news/article219322395.html>

UCLA-Related Veto

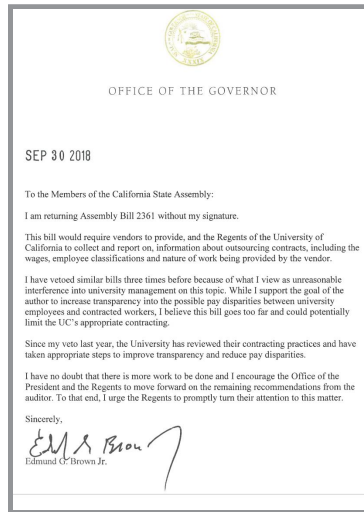
Monday, October 01, 2018



Although technically the legislature can override a veto, it won't happen.

UC-Related Veto Involving Outsourcing

Monday, October 01, 2018



As noted with regard to the previous post, vetoes can technically be overridden by the legislature but it won't happen.

Veto of Abortion-Related Bill Involving UC and CSU

Monday, October 01, 2018



The author of the bill says she will re-introduce it in the next session.* Note that there will be a new governor in place in January. What he might do about this bill if it came to him is unknown.

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* <https://www.sacbee.com/news/politics-government/capitol-alert/article219003280.html>.

Read the blog in "book" format

Tuesday, October 02, 2018



As we do at the end of each quarter, we make the blog available in an alternative "book" format. The third quarter of 2018 is now available that way (below). Of course, as a book, all traces of videos, audios, and animated gifs are omitted. For those, you have to go back to the original.

To read the third quarter as a book, use the link below:

Listen to the Regents Afternoon Sessions of Sept. 26, 2018

Tuesday, October 02, 2018



We are doing our best to catch up with the Regents meeting last week. This post is from last Wednesday afternoon. Audio links are below. As blog readers will know, we preserve the audio of the sessions since the Regents only "archive" for one year.

From the Daily Cal: *The UC Board of Regents convened at UCLA on Wednesday to discuss a variety of issues, ranging from the repatriation of Native American remains to multiyear budgeting. The UC's cultural repatriation policy, which was last revised in 2001, requires that campuses consult with tribal authorities when acting upon repatriation requests. Tensions still exist, however, between Native American tribes and UC campuses over remains that are not identifiable by culture. During public comment, Mark Macarro, tribal chairman of the Pechanga Band of Luiseño Indians in the Temecula Valley, said the remains of Native American ancestors "still remain in ziploc bags on shelves." Macarro added that as of June, UC Berkeley had only repatriated 313 of 10,000 remains.*

UC President Janet Napolitano addressed the concerns during the Academic and Student Affairs Committee meeting, calling repatriation "a fundamental value" of the UC system. Regent John Pérez recounted his own experience protesting at the Phoebe A. Hearst Museum of Anthropology at UC Berkeley, stating that "our history as a university is deeply flawed."

"The written presentation (of the UC cultural repatriation policy) reinforces a long history of overly technical, overly legalistic and, in many ways, dehumanizing approaches to this question," Perez said at the meeting. "It's important that we look at this not only in a technical sense, but that we're motivated by that broader sense of humanity and justice."

Separately, members of the Compliance and Audit Committee heard from Robert May, chair of the Academic Senate, on the senate's response to recommended sexual violence and sexual harassment procedures. Based on recommendations from the California State Auditor, disciplinary hearings of the accused should be scheduled to begin within 60 days of when the chancellor files charges, and the hearing committee should issue its recommendation to the chancellor no more than 30 days after the hearing concludes. According to May, an ad hoc committee has been commissioned to define the Academic Senate's bylaws to incorporate the auditor's recommendations.

At the afternoon's Finance and Capital Strategies Committee meeting, UC Office of the President, or UCOP, Chief Financial Officer Nathan Brostrom presented an update on the proposed 2019-20 budget. According to Brostrom, core funds — which comprise state funding as well as tuition and fees — have grown by 8 percent since 2001, but in the same period, the UC system has added more than 100,000 students. As a result, funding per student has decreased by 32 percent, causing bottlenecks in graduation rates for certain majors and worsening the student-to-faculty ratio across UC campuses.

David Alcocer, UCOP associate vice president for budget analysis and planning, added that there was a decline in the number of undergraduate students who were satisfied with their UC experience. Alcocer noted that many students did not know a single faculty member well enough to ask for a letter of recommendation, which he attributed to campus budget cuts.

"The key in everything we're looking at is trying to provide stability and predictability in all of our revenue sources," Brostrom said at the meeting. "We're in a solid foundation now, but we really need to build on that to maintain access and quality for current students."

Source: <http://www.dailycal.org/2018/09/26/uc-board-of-regents-discusses-native-american-repatriation-multiyear-budgeting/>

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There was also discussion of faculty diversity issues at Academic and Student Affairs.

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Also from the Daily Cal: The UC Board of Regents, at its Wednesday meeting, discussed a decrease in percentage of out-of-state students to 10 percent by 2029. Danielle Smith, UC Office of the President spokesperson, said in an email that the state requested the UC system to form a report discussing the potential impact of reducing undergraduate nonresident enrollment, with results to be finalized by April 2019. According to Smith, the analysis will not impact student admissions or tuition for the fall 2019 semester.

George Kieffer, the Board of Regents chair, said at the meeting that this plan would only commence "if the state agrees to fund fully the university for the revenue that would be lost."

"I, like others, believe that the world's best university ought to have a certain number of nonresident students," Kieffer said at the meeting. "At the same time, we have a deep obligation to continue addressing the education needs of Californians within the context of the master plan."

The regents also discussed that while state funding and other "core funds" have increased 8 percent since 2001, the UC system has grown by more than 100,000 students, which has caused funding per student to decrease by 32 percent.

The board previously voted in March to raise tuition for nonresident students by 3.5 percent, effective the 2018-19 academic year, in order to better accommodate growing UC enrollment. Sarah Ampalloor, a campus freshman from Chicago, Illinois, found the March tuition hike unfair in that "people from out of state or out of country have to pay several thousand dollars more" for the same education received by California residents.

Ampalloor said the current initiative to reduce nonresident enrollment would make the admissions process too selective and limit the university from the diverse viewpoints that non-Californians bring to the table.

"We need to have more out-of-state people too, because Berkeley is such an upstanding institute that everyone strives to be a part of," Ampalloor said. "We want to have a diverse collection of people from all parts of life."

Nuha Khalfay, ASUC external affairs vice president, said the UC system has been discussing ways to decrease spending and increase resources for years and that recently, the board has focused its efforts on tuition. Also an out-of-state student, Khalfay said it's "a little disheartening" that the regents' first proposal for a solution is to cut out-of-state enrollment.

Khalfay added that among the several reasons decreasing out-of-state enrollment is not the best solution, nonresident students introduce new perspectives to the UC system.

"Out-of-state and international students bring additional diversity to the UC," Khalfay said. "It would be a shame to lose that."

Source: <http://www.dailycal.org/2018/10/01/uc-board-of-regents-proposes-decreasing-nonresident-student-population-to-10-percent-by-2029/>

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Finance and Capital Strategies also discussed longer-term budgetary issues, enrollment growth, and online education.

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The National Labs Subcommittee primarily focused on Los Alamos National Lab. Blog readers will recall that UC, as part of a team, recently won a management contract renewal from the U.S. Dept. of Energy for Los Alamos.

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Governance and Compensation approved some big-buck executive salaries. There was one negative vote on some proposals, but the salaries were approved. A plan to narrow pay ranges of certain executive salaries as per the state audit was approved. The committee also met the next day to discuss other items.

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Links below to the afternoon sessions of Sept. 26, 2018:

Academic and Student Affairs:

or direct to:

<https://archive.org/details/0AcademicAndStudentAffairsCommittee/0-Academic+and+Student+Affairs+Committee.mp3>

National Labs:

<https://archive.org/details/0AcademicAndStudentAffairsCommittee/0-National+Laboratories+Subcommittee.mp3>

Finance and Capital Strategies:

<https://archive.org/details/0AcademicAndStudentAffairsCommittee/1-Finance+and+Capital+Strategies+9-26-18.wma>

Governance and Compensation:

<https://archive.org/details/0AcademicAndStudentAffairsCommittee/1-Governance+and+Compensation+9-26-18.wma>

Provost Stepping Down

Wednesday, October 03, 2018



From the Chancellor: Executive Vice Chancellor and Provost Scott Waugh has informed me that he plans to step down and return to UCLA's faculty effective June 30, 2019. While I am pleased that he will have the opportunity to pursue his research and scholarship full time...

Full news release at:

<http://newsroom.ucla.edu/stories/executive-vice-chancellor-and-provost-scott-waugh-returning-to-ucla-faculty>

Been There; Done That?

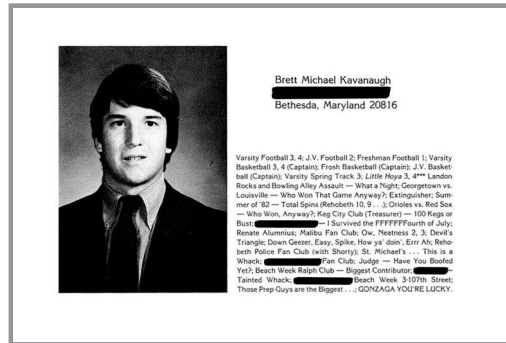
Wednesday, October 03, 2018



From Business Insider: *President Donald Trump's administration debated the idea of banning visas for Chinese nationals to come and study at US universities for fear of spying, the Financial Times has reported . Former Iowa Governor Terry Branstad, now US ambassador to China, shot (down?) the initiative, according to the FT. The report said the idea was championed by Trump administration immigration hardliner Stephen Miller. Under Trump the US has confronted China like never before, and the FT's report comes at a time of record high military tensions between the great powers. Trump's recent National Security Strategy explicitly called for the kind of review reportedly put forth by Miller. The strategy said it would "review visa procedures to reduce economic theft by non-traditional intelligence collectors" while reevaluating how the US provides access to foreign students in science fields, which have national security implications...*

Full story at <https://www.businessinsider.com/trump-admin-considered-banning-chinese-students-to-keep-out-spies-2018-10>

Thursday, October 04, 2018



Judge Brett Kavanaugh's response in testimony at the ongoing Senate hearings led to a lengthy letter in the NY Times from law professors around the country:

The Senate Should Not Confirm Kavanaugh - Signed, 1,000+ Law Professors (and Counting):

...We regret that we feel compelled to write to you, our Senators, to provide our views that at the Senate hearings on Sept. 27, Judge Brett Kavanaugh displayed a lack of judicial temperament that would be disqualifying for any court, and certainly for elevation to the highest court of this land...

Full letter at <https://www.nytimes.com/interactive/2018/10/03/opinion/kavanaugh-law-professors-letter.html>

A computer search as of this morning showed 29 of the signatures came from the UCLA law faculty.

UPDATE: One faculty member notably did not sign:
<https://reason.com/volokh/2018/10/02/my-thoughts-on-the-judicial-temperament>

UPDATE: The count of signers was up to 47 from the UCLA law faculty as of 5 pm, Oct. 5.

Email Warning

Thursday, October 04, 2018



The following notice was circulated to Anderson faculty by the School's IT folks, but is generally applicable:

Today, we saw a new phishing email claiming to be from the helpdesk at UCLA Office of Information Technology (OIT) asking recipients to click on a website link to validate their account. ACIS and any other UCLA IT organizations will NEVER send you an email asking you to validate, verify, or reactivate your account or password. If you received this message from OIT or any other similar sounding emails, do not click on any links, call the phone number, or install any software. Also, never provide any personal or financial information to an unknown party.

Inquiring Minds Want to Know

Thursday, October 04, 2018

Why didn't she have a Wikipedia page? Why was such a page rejected by Wikipedia not long ago?

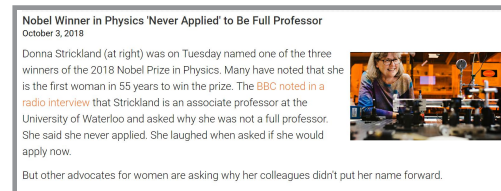
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(They quickly added a page after she won.)

<https://www.theguardian.com/science/2018/oct/03/donna-strickland-nobel-physics-prize-wikipedia-denied> =====

Why wasn't she already a full professor?



(That issue has yet to be resolved.)

<https://www.insidehighered.com/quicktakes/2018/10/03/nobel-winner-physics-never-applied-be-full-professor>

Before you get carried away by UCLA's centennial celebration...

Friday, October 05, 2018



...you should know that one member of the executive board of the UCLA Emeriti Association is older than UCLA: Toshi Ashikaga. She manages the book exchange you see in the back room of the Faculty Center.

Just saying.

Seems the UCLA dispute about VA property rental may be continuing

Saturday, October 06, 2018



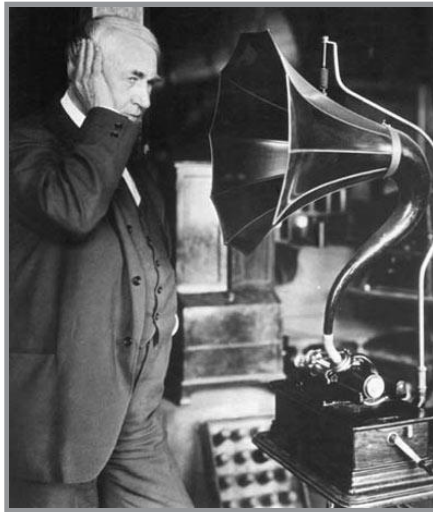
Remember the dispute between the VA and UCLA over rental of a baseball field on VA property? The lease was eventually renegotiated. But it appears, that may not be the final event:

From the LA Times: *"The investigation pointed out things we've been saying for years: UCLA had a sweetheart lease...",* said former Santa Monica Mayor Bobby Shriver, who long lobbied for veteran housing on the property... The audit also found that lease rates the VA renegotiated with the city of L.A.'s Barrington Park ballfields and dog park, UCLA's Jackie Robinson Stadium and the Brentwood School athletic complex were lower than the appraised rental values — of \$2.7 million each for UCLA and the Brentwood School...

Excerpt from <http://www.latimes.com/local/lanow/la-me-ln-va-lease-audit-20181005-story.html>

Listen to the Regents meeting of Sept. 27, 2018

Sunday, October 07, 2018



We are belatedly catching up to the September 27th Regents meeting, the final day. As blog readers know, we preserve audio recordings of the Regents meetings since the Regents only "archive" their recordings for one year.

The typical format of the Regents meetings since a reformulation occurred several years ago is that the various committees of the Regents meet concurrently or, in some cases, just before the main sessions or entirely off-cycle. There is then one final meeting at which all the committees report to the full board. Before the reformulation, there were shorter meeting of the committees sequentially rather than concurrently with some committees having sessions off-cycle.

The September 27th meeting was unusual in that the Governance and Compensation Committee had a session after the full board in which it discussed the reformulated approach. It appears that the members of that committee basically prefer the concurrent approach to the sequential approach in that the former allows more depth. There was some sentiment for making use by committees of the day before the regular two-day Regent sessions. (At one point - about 17 minutes into the committee's meeting - the participants break into laughter about some event occurring outside the meeting room; exactly what occurred is not clear, even from the video.)

Since the full board mainly hears reports from the committees on the final day, there is much repetition of earlier discussions within the committees. This time, however, there was a good deal of focus on issues and challenges facing the health sciences and the "health enterprise." Some members seemed surprised as to how large the health area loomed in the overall budget and activities of the university. There was also continued discussion of UCOP's response to the state audit.

In the opening public comments period, concerns were raised by students about support for "basic needs" (apart from tuition), student retention, and pay for student employees. A group raised concern about an upcoming meeting of a national anti-Israel student group at the UCLA campus on the grounds of anti-Semitic statements associated with the group

and the fact that the meeting would be closed to pro-Israel students who wanted to monitor the proceedings. Usually, the Regents don't respond to public comments. However, unusually after the public comment session was over, one Regent asked for UCLA's policy with regard to closed meetings held on its campus and UC policies on such events more generally. It was not clear who was going to respond to that request or what the response was. But the request was for a response within 24 hours.

You can hear the Regents sessions at the links below:

Governance and Compensation:

Or direct to:

Full board:

<https://archive.org/details/0GovernanceAndCompensationCommittee27/0-board+9-27-18.wma>

Governance and Compensation:

<https://archive.org/details/0GovernanceAndCompensationCommittee27/0-Governance+and+Compensation+Committee+27.mp3>

UCLA History: Westwood in Mid-1950s

Monday, October 08, 2018



Above in mid-1950s; below as it is today.



UCPath comes to UCLA

Tuesday, October 09, 2018



One employee's problem below:

Submission: UCPath payroll system ineffective, a bureaucratic disaster

Sergio Sanchez is a stationary engineer with the facilities management team at UCLA.

Posted: October 8, 2018, [Daily Bruin](#)

UCPath handling UCLA's payroll? Say hello to a world of nuisances.

The University of California Payroll, Academic Personnel, Timekeeping and Human Resources project, a central payroll management system for the UC campuses, was launched by Associated Students UCLA at the beginning of this year and implemented in September. The new system is meant to streamline and standardize the employee payroll process.

But it was a terrible idea for the most part. The change involved taking the payroll system from individual UC campuses and consolidating all payroll into just two locations: UC Merced for Northern California and UC Riverside for Southern California – a recipe for nightmare.

The new system restricts our local payroll departments from viewing or adding in our payroll information, thereby rendering them unable to answer any questions or to resolve our concerns. All they can do is offer a phone number for UCPath that keeps you on hold for about 15 minutes.

So we may ask, "Why doesn't UCLA just cut me a check that I can walk over and pick up?" And the answer is the same: UCLA has lost the ability to write a check for an employee who may be in need of his hard-earned money in order to make payments, buy groceries or even put gas in his car just to be able to get to work.

And it's especially bad when you're one of the employees who does not receive a paycheck because of the system and has to contact the UCPath hotline. The people on the other end of the phone do not have answers and cannot tell you when your check will be sent out.

The process is even more inane when you have to resolve errors in configuring the deposit system. Through multiple attempts at fixing my direct deposit setup, the UCPATH employees ended up entering the wrong account numbers, inadvertently locking me out of my account section where I should be making those changes.

And when I sought help, I was only given the standard answer that UCPATH would get back to me but to not expect a phone call even though I requested the operator call to keep me updated. The reply I received in a standard email was that I could not make any changes to the bank account information of my UCPATH profile, since I had attempted to make too many changes in a single day. I hadn't personally made a single change to my account.

So much for making the process easier for employees.

After my two calls, I was told I should fix the account numbers myself, and that it would take two weeks to see if the problem was fixed. Wouldn't it be wonderful if UCPATH could use my banking information that UCLA used just last month?

I had been receiving direct deposits for 11 years without a problem via UCLA's previous payroll system. Employees were told it would be an easy transition to UCPATH: If we didn't have any changes and our direct deposit was not changed, we wouldn't have to do anything and our direct deposit would be uninterrupted.

That was wishful thinking. If you try to call the local personal payroll department, employees tend to inform you that your information can only be viewed by those working for UCPATH. Do yourself a favor and log onto UCPATH to see if your personal information and emergency contact information were ever transferred over. Many of my coworkers and I have found those vital details to all be missing now.

Some of my colleagues even have money going to different bank accounts. Instead of the direct deposit going to their checking accounts, it now ends up in their savings, making them default on loans because of automatic billing systems they had hooked up to dedicated accounts months before.

These problems are ridiculous. The UC needs to give some access back to universities' local payroll personnel to better direct us and help with our problems. And in this day and age, it is absurd that it takes more than a few keystrokes to get your direct deposit fixed in a day or two.

UCPATH's streamlining has resulted in employees like myself waiting a week and a half for checks we don't even know if the University is going to send because they have to be mailed out of UC Riverside and cannot be written at UCLA.

Calling UCPATH a mess is an understatement. The process has been botched from the beginning, and the least employees deserve is to be paid for their hard work.

Source: <http://dailybruin.com/2018/10/08/submission-ucpath-payroll-system-ineffective-a-bureaucratic-disaster/>

UCLA History: Early Construction

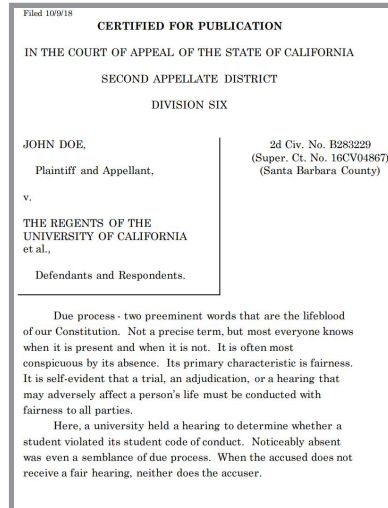
Wednesday, October 10, 2018



Early photo of Westwood campus construction

Wow! There is a Lesson Here for Title 9 Adjudications

Thursday, October 11, 2018



We have noted in past posts that Title 9 cases with decisions in which due process appears absent or inadequate will not be ratified by the courts. This case goes back to 2015. Since that time, hopefully other adjudicatory procedures have been adopted, or should have been adopted, pursuant to UC policy. But even assuming that is so, why would the university not have settled before it got the verdict above? In any case, the university might consider following procedures similar to what occurs under its own union-management agreements in grievance matters. In grievance cases, after internal procedures are exhausted, the matter goes to an outside neutral (an arbitrator in the union contract situation). The neutral could be an arbitrator or perhaps a retired judge, but someone who will follow sufficient due process so that external courts will respect the opinion. There are lots of variants of this proposal that could be adopted. ===== **UCSB Student Accused of Sexual Assault Gets Suspension Tossed on Appeal** "Noticeably absent was even a semblance of due process," wrote the court. "When the accused does not receive a fair hearing, neither does the accuser." By Ross Todd | October 10, 2018 at 07:16 PM | [The Recorder](#), Law.com A state appellate court has overturned the suspension of a University of California, Santa Barbara student who was barred from campus and classes for two years after a school disciplinary committee found that he sexually assaulted another student. The Second District Court of Appeal on Tuesday found that the suspended student, referred to as John Doe in court papers, was denied access to a critical report made by the Santa Barbara County Sexual Assault Response Team about his accuser's medical examination and was therefore denied the opportunity to adequately cross-examine witnesses. The court also found that the university's review process denied Doe the opportunity to present defense evidence, and that he wasn't provided a fair hearing by the two-member university committee which reviewed his case. "Noticeably absent" in the university's process "was even a semblance of due process," wrote Justice Arthur Gilbert. "When the accused does not receive a fair hearing, neither does the accuser." John Doe's attorney, Arthur Willner, partner at Leader Berkon Colao & Silverstein, said in a phone interview Wednesday that he hopes that the university will "expunge this all from his record" since his client has served out the suspension while his appeal has been pending. Discussing the Court of Appeal's published opinion, Willner

said “there’s a lot in there that’s going to be helpful for students down the line in similar cases.” The accuser in the case alleges that John Doe sexually assaulted her one night in June 2015 while she was asleep on a mattress in the living room of his apartment. She claimed he aggressively fondled her breasts, removed the bottom half of her clothing; and penetrated her vagina and anus without her consent while she was incapacitated. Doe claimed that he slept facing away from his accuser atop sheets she was under. The mattress was just feet from two witnesses, including his girlfriend and the accuser’s best friend at the time, who both testified that the accuser’s version of the events was not physically possible. In Tuesday’s opinion, the Court of Appeal noted that a campus detective who investigated the case and testified at Doe’s hearing cited findings from the Santa Barbara County Sexual Assault Response Team’s report which stated there was “bruising and laceration noted in anal area.” Doe, however, wasn’t given access to the full report, and the detective declined to speculate if anything other than what Jane alleged could have caused the injuries. Doe also wasn’t given the name of the antidepressant medication his accuser was taking—Viibryd—until the night before his hearing. The accuser refused to answer questions about the side effects of the drug or its interactions with alcohol. When Doe attempted to get the details of those side effects—which can include hallucinations, sleep paralysis and night terrors—into evidence through testimony from his mother, the university’s general counsel cut off the line of question. (Doe had counsel at the hearing who was not allowed to participate.) In Tuesday’s opinion, Gilbert noted that the university committee had “placed John in a catch-22.” “[H]e learned the name of the medication Jane was taking too late to allow him to obtain an expert opinion, but the Committee precluded John from offering evidence of the side effects of Viibryd without an expert,” Gilbert wrote. He was joined in his opinion by Justices Kenneth Yegan and Steven Perren. A university spokeswoman didn’t respond to an email seeking comment Wednesday. Willner, Doe’s lawyer, pointed out that his client has sued the individual campus officials involved in his case in federal court for deprivation of civil rights. That case has been stayed pending the outcome of the state court appeal and is now poised to move forward, Willner said. Said Willner: “What was so egregious about this was the due process violations were so significant and so extensive that, in my view, the hearing committee handled it in a way that was designed to reach the result that they did.” Source: <https://www.law.com/therecorder/2018/10/10/ucsb-student-accused-of-sexual-assault-gets-suspension-tossed-on-appeal/>

Court decision at <http://www.courts.ca.gov/opinions/documents/B283229.PDF>

University Librarian Asks for Help from Faculty

Thursday, October 11, 2018



Email to faculty from Virginia Steel, University Librarian:

I'm sure you've heard of Elsevier, and you'll likely hear a lot more about it in the coming weeks, as the UC Libraries negotiate a new contract with this scholarly journal publishing giant. Elsevier has earned international criticism for profit margins of close to forty percent, which far exceed inflation, and for its opposition to open access (except in its own open access journals).

About that last point: in addition to licensed (i.e., subscription) journals, Elsevier publishes open access journals, in which authors pay article publishing charges but all readership is free, and hybrid journals, which require a subscription to read but in which authors can pay a fee to make individual articles open access. Our negotiations focus not just on the amount the UC Libraries pay to provide access to the journals but also on the additional amount UC authors pay in publishing charges.

In 2017 UC paid Elsevier more than \$10 million for access to not quite two thousand journals, and UC authors paid nearly \$1 million on top of that in article publishing fees. In addition, many campus units subscribe to Elsevier's non-journal research tools, bringing the total systemwide spend to more than \$11.5 million.

In the larger sense, UC is paying even more. Countless UC faculty members and researchers publish in Elsevier journals, review manuscripts for those journals, or serve on the journals' editorial boards. The company is making its almost forty percent profit margins off your intellectual capital and uncompensated work.

We hope that Elsevier will see the sound business logic of signing a new contract that reduces the UC system's total expenditures and eliminates double-dipping. But we want you to be aware and to consider your options:

- ◆ Leverage UC's open access policies and the UC eScholarship repository to make your final pre-publication manuscripts publicly accessible.
- ◆ If you're on the editorial board of an Elsevier journal, contact the publisher and let them know that you share our concerns.
- ◆ Look at other journal publishing options, including prestigious open access journals in your discipline. Contact your subject librarian for additional information and assistance.
- ◆ Consider declining to review articles for Elsevier journals until we can see that negotiations are moving in a positive direction.

I will update you as soon as there is any news on the progress of the negotiations. In the meantime, please feel free to contact me by phone at 310.825.1201 or email: vsteel@library.ucla.edu.

Source: <https://t.e2ma.net/message/a2uruj/a61ry>

UC Health Strike News

Thursday, October 11, 2018



AFSCME Local 3299 announced Thursday morning that the 15,000 patient-care technical workers in its ranks voted to authorize a strike against the University of California after reaching a deadlock in labor contract negotiations. The strike vote received approval from 96 percent of AFSCME 3299 members, AFSCME leaders said, and the patient-care workers will be joined on the picket line by 9,000 employees in AFSCME's service unit and 15,000 members of the UPTC-CWA union, who voted to join in solidarity... The strike dates have not yet been set. The union is required to provide a 10-day advance notification of the dates... Full story at <https://www.sacbee.com/news/local/article219858245.html> Blog readers should note that a strike vote does not mean a strike will occur. Typically, a union won't call for a vote unless it's sure a large majority of its members will favor authorizing a strike. (It's like the old adage for lawyers: Don't ask a question unless you know the answer.) Thus, the vote is part of the bargaining process and a show of support by members aimed at pressuring the management side.

More State Cash

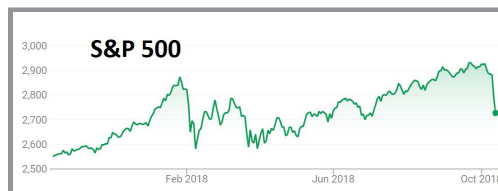
Friday, October 12, 2018



The state controller reports that for the first quarter of the current fiscal year (2018-19), revenues to the General Fund ran about \$1.4 billion above estimates made when the budget was enacted last June.

Personal income tax receipts and sales tax receipts were up about 5% above forecast levels. The corporate tax was up 8% above forecast.

So there is no cash pressure on the state at the moment. If a downturn occurred, the state could likely go for about a year before the crunch was felt.



Nonetheless, recent stock market events are a reminder of the dependence of the state on a relatively small number of high-income earners whose taxable income is sensitive to the ups and downs of financial markets.

You can find the controller's September statement at:

<https://www.sco.ca.gov/Files-ARD/CASH/September%202018%20Statement%20of%20General%20Fund%20Cash%20Receipts%20and%20Disbursements....pdf>

UC Health Strike News - Part 2

Saturday, October 13, 2018



From the Sacramento Bee:

*The largest employee union at the University of California, AFSCME Local 3299, announced Friday that its patient-care technical workers will go on a three-day strike **Oct. 23-25** at (the five) UC health systems across the state.*

The job action will involve as many as 39,000 workers statewide, composed of the 15,000 members of AFSCME 3299's patient-care unit, 9,000 from AFSCME's service unit and 15,000 research, technical and health-care professionals represented by UPTC-CWA. AFSCME's service unit and UPTC-CWA voted to strike in sympathy with the patient care workers.

Both AFSCME and UPTC-CWA have been negotiating with the UC for more than a year, and their leaders say negotiations have stalled over issues such as outsourcing, pay, retirement benefits and health-care premiums.

"The University of California has continuously ignored workers' concerns over the outsourcing of good middle-class jobs and the inequality and insecurity that it creates," said Monica De Leon, vice president of AFSCME 3299's patient-care technical unit.

In a prepared statement issued after AFSCME announced the strike vote, UC leaders said: "Union leaders refuse to allow their own members to vote on UC's competitive contract offer, instead spending months threatening and now conducting a strike vote. Rather than engage in constructive talks at the negotiating table, AFSCME leaders are using the threat of a strike as a scare tactic."...

Full story at <https://www.sacbee.com/news/local/health-and-medicine/article219963130.html>

We again note that a strike may, or may not, occur, depending on the actions of negotiators.

Countdown for the Harvard Admissions Trial

Sunday, October 14, 2018



At Harvard, a trial about affirmative action starts tomorrow (Monday, October 15). UC is somewhat shielded from the outcome because, as we have noted in prior posts, California's Prop 209 already bans affirmative action in admissions at public universities. Nonetheless, there could be fallout.

Unease sweeping the halls of Harvard on eve of race-based admissions suit

By Deirdre Fernandes, [Boston Globe](#), October 13, 2018

As Harvard University prepares to defend its selective, highly secretive admissions process in a Boston courtroom Monday, outside groups are marshaling their forces, with protesters descending on the city, and a rally planned outside the university's iron gates. The high-stakes case accusing Harvard of discriminating against Asian-American applicants has reopened a sharp national debate over race, equity, and merit. And on campus, it has forced students to confront uneasy and intensely personal questions about racial diversity, privilege, and their place at the Ivy League institution.

"It's forcing me to talk about race in a way that I've not done," said Priyanka Kaura, 27, an Indian-American graduate student from Pennsylvania at Harvard's Kennedy School. Kaura said she supports affirmative action, and is careful about acknowledging there may be concerns about bias against Asian applicants, especially when discussing the issue with other Asian-Americans. "I haven't lost any close relationships yet."

"It's on everybody's mind," added Victor Agbafe, 22, a senior whose parents emigrated from Nigeria, and who grew up in Dallas and Wilmington, N.C. "I think the case has the potential to be huge."

In animated — sometimes fraught — conversations among friends in dining halls and dorm rooms, in Facebook groups and private texts, in classroom discussions and group gatherings, Harvard's students are grappling with the issues raised by the lawsuit.

A ruling against Harvard would forever alter admissions, especially at elite colleges — for the worse. Unlike previous affirmative action lawsuits that primarily hinged on if race-conscious admissions practices benefited black and Hispanic students while hurting white students, this case pivots on Asian-American applicants.

The lawsuit was filed by Students for Fair Admissions, a group representing Asian-Americans who allege Harvard's admissions policy discriminates against them. As proof, the organization points to six years of Harvard admissions data that its experts argue indicates Asian-Americans were rated lower on personal qualities, such as courage and kindness, which hurt their chances of gaining admission. The group also alleges Harvard

limits the number of Asian-American students it admits every year, a practice called racial-balancing, which is unlawful.

Harvard denies any discrimination and insists its admissions practices are legal and ensure that all students learn on a diverse campus and are exposed to different ideas and classmates from various backgrounds. At Harvard, 21 percent of students are Asian, nearly 12 percent are Hispanic, 8 percent are black; the majority of the campus is white. The university is also quick to point out that Students for Fair Admissions is led by Edward Blum. He is a conservative white scholar who unsuccessfully challenged the University of Texas admissions process and led an effort that unraveled parts of the Voting Rights Act.

Yet Harvard administrators worry the trial could open up fault lines among students and alumni at the country's oldest and most prestigious institution of higher education. The trial is likely to raise questions about who is deemed worthy and special enough for one of the few slots at a university heralded for educating future presidents, corporate titans, poets, and prizewinners. Of some 42,000 applicants, Harvard enrolls just 1,600 or so freshmen every year. Entry itself is a privilege and viewed as a ticket to future success.

Students for Fair Admissions "is likely to make provocative assertions that will receive public attention and cause some to question our academic practices," Harvard president Lawrence Bacow wrote in an e-mail to the Harvard community last week. "I would hope all of us recognize, however, that we are members of one community — and will continue to be so long after this trial is in the rearview mirror. What kind of community we will be, however, will be determined by how we treat each other the next few weeks."

Some Asian-American students say they already feel conflicted about the lawsuit. They support diversity on campus, but some say the case has reinforced warnings they received from parents and counselors in high school that they had to get far better grades than their peers, jump into leadership roles, and appear less stereotypically Asian in their applications to earn a spot in the most elite colleges.

Rainbow Yeung, a senior majoring in molecular and cellular biology at Harvard who rushes between post-graduate job hunting and her leadership responsibilities at her house, said she worries Asians have been neglected in US history and American media. And she doesn't want their concerns about potential bias in admissions to also be silenced.

"I am scared of what the results of the suit might mean for affirmative action," Yeung said. However, I just don't want Asian students to be suffering from negative consequences due to our race."

Ivy Yan, who earned a bachelor's degree from Harvard in 2015 and is now a graduate student there, has found herself at odds with Harvard administrators. She fought Harvard's efforts to squash a union for graduate students and as an undergraduate rallied alumni and other student groups after she felt the university's response to e-mail threats received by many Asian-American female students was inadequate. But now, Yan is helping organize a rally Sunday in favor of affirmative action and is bringing together many of Harvard's supporters.

"I am firmly anti-Blum, but not pro-Harvard," she said.

Still, she understands why many Chinese-Americans, especially those who immigrated more recently, are backing this lawsuit. Even her younger sister questioned the need for affirmative action until recently, Yan said.

“The people on the anti-side are my people,” she said. “This is the American dream for many immigrants and the admissions process — it takes into account something you don’t really understand, and it can be alienating.”

The case against Harvard’s affirmative action policy is generally seen as a conservative cause and even gained support from the Justice Department under the Trump administration. Yet some conservative students acknowledge that admission to the elite school is based on a complicated formula, with race just one factor among many. Star athletes, children of financial donors, students whose parents attended Harvard, and applicants from under-represented states all get special consideration.

“Who got here and how they got here — everybody has things that got them here,” said Conor Healy, a senior from Canada who last year invited controversial sociologist Charles Murray to speak at Harvard amid protests from minority students. “It’s personal. . . . I knew that when I applied, nobody was entitled to a spot . . . and they paid a lot of attention to personal details of individuals. It’s just not straightforward. Healy said private institutions should be able to dictate their admissions standards.

Some students, though, feel Harvard does too little to encourage diversity and that if it loses the case, there will be even fewer black and Hispanic students on campus.

As Paola Martinez waited last week for a movie screening at Harvard’s newly renovated Smith Campus Center, where red and orange modern couches are surrounded by ceiling-to-floor glass windows, she scoffed at the implication in the lawsuit that Harvard has too few Asian-American students. Martinez, 37, grew up in the Dominican Republic and takes classes and works at the Harvard Extension School, a program for adult learners. She said black and Latino students and faculty are rarer than white and Asian-Americans. This lawsuit is an effort to “keep students of color out of environments where they can succeed,” Martinez said. “At least give us a chance to prove that we’re smart enough and that we could do something.”

Andrea Loera, 23, a Latina who grew up in Texas and is a graduate student at Harvard Law School, said she worries that many on-campus discussions about the lawsuit are being held among students of color, instead of the broader community.

A teach-in she attended on a rainy evening last week drew more than 50 Harvard students; most were Asian and other minorities, with just a handful of white students. Loera said she understands that some students of color are concerned about drawing too much attention to themselves, especially around a case that questions whether they belong at Harvard.

“You already feel like an outsider here,” Loera said. “It becomes a personal topic so fast. And it’s so hard to talk about it as a minority, especially in a school that is so white.

Source: <https://www.bostonglobe.com/metro/2018/10/13/unease-sweeping-hallsof-harvard/7spR4BivYyOPLh9kVpBqNP/story.html>

UCLA History: Registration

Monday, October 15, 2018



Registration line in 1930

PS: In case you are wondering (or even if you aren't), yours truly has not forgotten about the meeting of the Regents Health Services Committee last week. He has preserved the recording and will post about it in due course. (But not one the courses the students above are waiting to enroll in!)

Dirty Laundry at the UC Investment Office - Part 2

Tuesday, October 16, 2018



We noted some dirty laundry at the UC Investment Office back in early September.* Now there is this:

Richard Blum, a \$100 Million UC Investment, Feinstein Campaign Donations: Business As Usual at UC?

Dianne Feinstein's husband and the UC system are no strangers to controversy surrounding their investment and business practices.

by Matthew Cunningham-Cook and David Sirota, 10-15-18, Capital and Main**

University of California regents approved a nine-figure investment in a private equity fund run by a major donor to Democratic Senator Dianne Feinstein, whose husband sits on the regents' board. The investment was disclosed just as some of the private equity fund's overseers and advisers were pumping thousands of dollars of donations into Feinstein's campaign, according to documents reviewed by Capital & Main.

In the fall of 2017, UC regents decided to shift \$100 million worth of university endowment and pension resources into the RISE fund, operated by TPG. That firm was founded by David Bonderman, who has forged extensive business relationships with Feinstein's husband, regent Richard Blum. Over the past quarter-century, Blum served as a TPG executive, founded a fund overseeing TPG's Asia business and partnered with TPG on numerous investment deals with his own investment fund, Blum Capital. The \$100 million investment was UC's first investment with TPG.

Since 1992, Bonderman and his wife have donated more than \$32,000 to Feinstein's political campaigns. Additionally, donors associated with the RISE fund's board and advisory panel have contributed more than \$65,000 to Feinstein's campaigns and political action committee. That includes \$15,400 of donations in the three-week period surrounding the disclosure of UC's investment in the RISE fund. Those donations came from Salesforce founder Marc Benioff and his wife, Lynne, as well as from Ariel Investments president Mellody Hobson. Marc Benioff and Hobson, who is married to George Lucas of Star Wars fame, sit on the RISE Fund's Founders Board.

In general, securities laws require public officials to make investment decisions on the basis of merit, not personal relationships or political contributions. A 2010 Securities and Exchange Commission rule was explicitly designed to deter financial firms from using

campaign contributions to influence investment decisions.

"The decision by the UC regents to make an investment in a fund run by a close friend and business partner of Richard Blum raises potential issues of institutional corruption."

Blum argues that there is no conflict of interest.

"I've never heard of the RISE Fund," he told Capital & Main. "We used to be partners with TPG. We've done investments together. But I have nothing to do with TPG or the RISE Fund... [The University of California investment office] never checks with me on anything."

Blum conceded that, in addition to his business and personal relationships with Bonderman and TPG, he also knows another top TPG and RISE Fund executive, Jim Coulter, and added, "I occasionally get together with [UC Chief Investment Officer] Jagdeep [Singh Bachher] and we talk about philosophy."

Singh Bachher is in charge of oversight and management of UC's investment in the RISE Fund.

Capital & Main asked TPG if it had disclosed its executives' relationships with Blum and donations to Feinstein. In a statement, TPG said that it "adheres to the strongest compliance standards and all political donations are subjected to compliance review and clearance, and in the case of federal officials are publicly disclosed through the Federal Election Commission. TPG responded in the ordinary course to due diligence questions posed by UC in connection with its investment."

The University of California forwarded the regents' conflict of interest policy and made no other comment. Senator Feinstein did not respond to a request for comment by press time.

"The decision by the UC regents to make an investment in a fund run by a close friend and business partner of Richard Blum raises potential issues of institutional corruption," said Jay Youngdahl, an attorney and pension expert. "When money saved for workers' retirement is placed into high-fee investments that benefit those close to politicians, questions need to be asked and answered. Investment funds in several states have suffered problems with similar practices."

...Meanwhile, the UC Retirement Plan has lately been engulfed in scandal over pay-to-play allegations.

In early September, the pension trade publication Institutional Investor published a report showing that the retirement system's chief investment officer faced "serious charges of mismanagement." The report also highlighted allegations from an anonymous tipster with inside information that Bachher had placed \$250 million in a fund run by a former UC regent, Paul Wachter, who had participated in Bachher's hiring. The investment was opposed by other top investment staff at UC, the article said.

Full story at: <https://capitalandmain.com/richard-blum-a-100-million-dollar-uc-investment-feinstein-campaign-donations-business-as-usual-at-the-board-of-regents-1015>

Also at <https://splinternews.com/why-did-the-university-of-california-invest-100-millio->

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* <http://uclafacultyassociation.blogspot.com/2018/09/dirty-laundry-at-uc-investment-office.html>

** <https://capitalandmain.com/about-us>

Listen to the Regents Health Services Committee: Oct. 9, 2018

Tuesday, October 16, 2018



As promised yesterday, we now present links to the UC Regents Health Services Committee of October 9, 2018. We preserve these recordings because the Regents delete them after one year for no particular reason.

The meeting began with public comments. There was only one speaker who complained about Regental participation in a lawsuit in India against generic drug manufacturers that were producing a prostate drug in which UC has a patent interest.

There was continued push at the committee for the campus health enterprises to have more autonomy in such matters as budgets, compensation, and capital projects. Beyond that, there were presentations on various activities in health care including UCLA cardiac services, plans to extend UC medicine into the San Joaquin Valley, hospital bed sore avoidance, and the use of artificial intelligence and information technology in health care (including work with Google). Regent Lansing raised the issue of whether the various campuses should specialize rather than each doing the same thing.

You can hear the meeting at the links below:

or direct to:

<https://archive.org/details/RegentsHealthServices10918>

We also provide a video excerpt on alcoholism, heart attacks, and other causes of death in California by Dr. Atul Butte of UC-San Francisco:

Allegation of Hostile Work Environment at a Professional Academic A...

Tuesday, October 16, 2018



- ANNOUNCEMENT
- OCTOBER 15, 2018

A post from the Executive Committee

It has come to our attention that one of the recently elected candidates for office of the American Economic Association is the subject of allegations, being accused of creating a hostile work environment. Neither the Nominating Committee, nor the Executive Committee knew of such allegations at the time of nomination. We also believe that few of the members knew of the allegations at the time of the election.

We take such allegations seriously, but they are, at this point, just allegations. While the home institution will neither deny nor confirm the existence of an investigation, we understand that one is underway, and may come to some conclusions in the not too distant future. We have decided that, before proceeding further, we should wait for those conclusions, if they are made public and they come within a reasonable amount of time. If not, we shall reexamine our position.

One conclusion we already draw is that, in the future, we shall ask potential nominees if they are the subject of an investigation. This will help avoid such situations going forward.

The Executive Committee, American Economic Association

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Source: <https://www.aeaweb.org/news/message-from-the-aea-executive-committee-oct-2018>

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UPDATE: From Inside Higher Ed:

... The committee did not name the academic in question, but it was apparently referring to Roland G. Fryer, Jr., Henry Lee Professor of Economics at Harvard University and faculty director of Education Innovation Laboratory there. Fryer, who was recently elected to the committee, reportedly is the subject of harassment complaints related to the . He did not immediately respond to a request for comment Tuesday. A spokesperson for Harvard referred questions to an earlier comment on the matter saying that "Harvard is deeply committed to providing a civil and inclusive work environment for all members of our community. We are aware of and take seriously concerns raised about the treatment of staff in the Education Innovation Laboratory," including "whether staff members have been treated with the dignity and respect they deserve."

Full story at:

<https://www.insidehighered.com/quicktakes/2018/10/17/economists-address-allegations-against-elected-officer>

Harvard Admissions - Part 2

Wednesday, October 17, 2018



The national news media paid attention to the Harvard admissions trial on the eve of the trial and on the first day. Thereafter, not so much.

However, the Harvard Crimson has a daily summary:

DAY ONE, Oct. 15, 2018

On the opening day of the highly anticipated Harvard admissions trial, hordes of spectators and reporters crowded into two courtrooms and a jury assembly room to listen as lawyers for both the College and SFFA offered lengthy opening statements.

Adam K. Mortara spoke for SFFA, while Harvard Corporation senior fellow William F. Lee '72 argued for the University. Later, Harvard's long-serving Dean of Admissions and Financial Aid William R. Fitzsimmons '67 took the stand to answer a long string of largely technical questions from SFFA's attorneys.

WHAT: Mortara and Lee mostly repeated arguments SFFA and Harvard have advanced before. Fitzsimmons defended against charges that Harvard neglects to recruit Asian-American high schoolers who score higher on the PSAT and SAT exams than do their peers of other races.

Mortara pointed to the fact that Harvard concluded in a confidential internal study in 2013 that its admissions process produces "negative effects" for Asian Americans. He also noted that Harvard admissions officers apparently tend to give Asian-American applicants substantially lower rankings for their personal traits. "You have let the wolf of racial bias in through the front door," Mortara said.

Lee mostly focused on legal precedent, asserting that previous Supreme Court cases have long established Harvard's methods form a legal way to consider race in the college admissions process. He also criticized SFFA's analysis of Harvard admissions data. "If you torture the data long enough, it will confess to anything," Lee said.

Fitzsimmons faced down charges from SFFA lawyers that Asian-American Harvard hopefuls must earn higher PSAT and SAT scores than high schoolers of other races to earn a coveted letter inviting them to apply to the College. Fitzsimmons did not dispute the allegations, but said Harvard's outreach to students is meant to ensure the College reaches "people from all backgrounds."

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DAY TWO, Oct. 16, 2018

Day two of the Harvard admissions trial saw smaller crowds and further cross-examination of the College's long-serving admissions dean.

William R. Fitzsimmons '67, dean of admissions and financial aid, faced down several hours' worth of questions from SFFA lawyer John M. Hughes.

William F. Lee '72, a lawyer for the University and senior fellow of the Harvard Corporation, objected to several pieces of evidence Hughes presented over the course of the day. After a prolonged discussion about the relevance of one particular document, Fitzsimmons offered a moment of levity.

"I'm sorry, what is the question?" Fitzsimmons asked, spurring chuckles. "Is there a question?"

WHAT: Hughes grilled Fitzsimmons on the technical details of Harvard's admissions process. He was interrupted around 11 a.m. by a fire alarm that forced lawyers, spectators, and members of the press to exit the courthouse and wait outside for roughly an hour in the chilly October air.

Hughes began Tuesday's session by brandishing an internal Harvard document titled "Reading Procedures for Class of 2018." The document offers admissions officers an outline for assigning scores to applicants.

Hughes questioned whether race unfairly informs the "personal ratings" the College gives to applicants — to Asian-American applicants in particular. Documents released over the summer as part of the suit appeared to show that Harvard admissions officers give poorer personal ratings to Asian-American applicants.

Fitzsimmons admitted personal scores skew lower for Asian-Americans than for Harvard hopefuls of other races. But he said that multiple factors determine applicants' rankings.

"The strength of the teacher recommendations and counselor recommendations for whites is somewhat stronger than those for Asian-Americans," Fitzsimmons said.

Hughes also quizzed Fitzsimmons about a 1990 investigation into Harvard's admissions process conducted by the Education Department's Office of Civil Rights. The federal probe examined allegations that the College relied on illegal racial quotas to deny admission to deserving Asian Americans. The department's final report cleared Harvard of any wrongdoing.

Fitzsimmons said Harvard's admissions officers took the 1990 report "very seriously" and that it "continues to be an important benchmark."

Hughes noted that the Education Department report detailed what he called problematic comments some Harvard interviewers made about Asian-American applicants. "He's quiet, and, of course, wants to be a doctor," read one. Hughes said these kinds of comments proved that College reviewers stuck to harmful stereotypes about Asian Americans.

Fitzsimmons replied that the admissions office does not engage in stereotyping of any kind. "We do not endorse, we abhor, stereotypical comments. This is not part of our

process,” he said. “This is not who I am, and this is not who are admissions committee members are.”

Source: <https://www.thecrimson.com/article/2018/10/16/what-happened-today/>

Harvard Admissions - Part 3

Thursday, October 18, 2018



Day 3 of the Harvard Admissions Trial, summarized in Harvard Crimson:

WHO: The College's dean of admissions and financial aid **William R. Fitzsimmons '67** remained on the witness stand for hours on the third day of the Harvard admissions trial.

- In the morning, Fitzsimmons faced a string of questions from SFFA lawyer **John M. Hughes**.
- After a lunch break, **William F. Lee '72**, the University's lead trial lawyer and the senior fellow of the Harvard Corporation, took over from Hughes and began questioning Fitzsimmons. And the dean isn't done yet — Lee is set to continue quizzing him on day four.

WHAT: Hughes sought to prove that Harvard unfairly favors the wealthy and well-connected in its admissions process. He then revived an earlier line of argument by referencing the confidential 2013 report that concluded the College's admissions system produces "negative effects" for Asian Americans. Lee, meanwhile, asked Fitzsimmons to describe the way Harvard evaluates applicants — and later gave Fitzsimmons a chance to discuss his own experience as a low-income College student in the 1970s.

- Hughes introduced three emails Wednesday morning that suggest Harvard favors applicants connected to families who fund the school. In one 2013 email, former Dean of the Harvard Kennedy School David T. Ellwood '75 thanked Fitzsimmons for helping admit a student whose relatives family had apparently "already committed to a building." In another, Associate Vice President for Alumni Affairs and Development Roger P. Cheever '67 noted that admitting an unnamed applicant could "conceivably" lead to the donation of "an art collection."
- Hughes also grilled Fitzsimmons on the "Dean's Interest List," a special and confidential list of applicants he compiles every admissions cycle. Though the College closely guards the details, applicants on the list are often related to or of interest to top donors — and benefit from an elevated acceptance rate.
- Fitzsimmons defended Harvard's special treatment of applicants with donor ties as "important for the long-term strength of the institution." He noted the tactic helps to secure funding for scholarships, among other things.
- Hughes then turned the court's attention to the internal 2013 report, which Harvard circulated among top administrators at the time but never published. He asked Fitzsimmons whether he told most admissions office employees about the report's finding that Harvard's admissions system disadvantages Asian Americans. Fitzsimmons said he didn't remember.
- Hughes also asked whether Harvard had implemented bias training since the 2013 report. Fitzsimmons said no, adding he does not believe that kind of training is necessary for Harvard's admissions office.
- Lee wrapped up day three by asking about the way Harvard contacts students who achieve high scores on the PSAT. Fitzsimmons said the College reaches out to high-scoring applicants in a variety of categories. At Lee's prompting, the dean dove

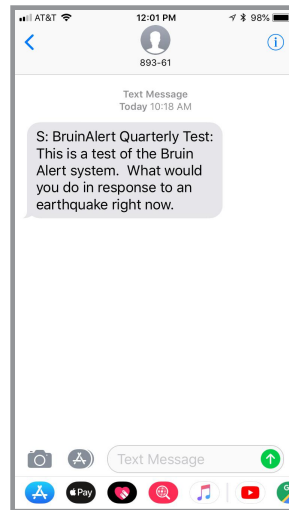
further into the details of Harvard's admissions process, noting the school pursues three main objectives: "truly exceptional students," "diversity of all types," and "no more students than beds."

- Fitzsimmons also spoke for several minutes about his own time at Harvard. He mentioned that his mother and father ran a mom-and-pop shop in Weymouth, Mass. and said he attended the College "almost entirely with Harvard scholarship funding."

Source: <https://www.thecrimson.com/article/2018/10/16/what-happened-today/> (A more detailed account is also available from that link.)

Did you get an emergency alert?

Thursday, October 18, 2018



You should have received an alert, such as the one above, by some means from UCLA as part of today's earthquake drill. If you didn't, sign up for email, text, or other forms of alert. If you are in the UCLA area, you might not know that UCLA has a low-power AM station at 1630 on your dial for emergencies. (Even if you think you don't have an AM radio, you likely have one in your car and it will work even in the event of a power failure.)

Faculty Center Tweet

Thursday, October 18, 2018



Harvard Admissions - Part 4

Friday, October 19, 2018



We continue with the Harvard Crimson daily summary of activities at the admissions trial.

Day 4:

WHO: The College's dean of admissions and financial aid **William R. Fitzsimmons '67** wrapped up his testimony and successive Harvard admissions officers stepped up to take his place behind the witness stand.

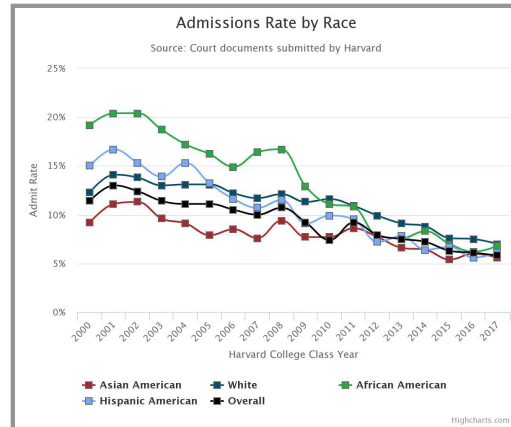
- In the morning, Fitzsimmons faced quizzing from **William F. Lee '72**, the University's lead trial lawyer and the senior fellow of the Harvard Corporation. Fitzsimmons finally departed the witness stand for good Thursday after spending much of the past four days answering questions from various attorneys.
- Later, long-time Harvard admissions officer **Christopher J. Looby** took Fitzsimmons's place. He took questions first from SFFA lawyer **Adam K. Mortara** and then from Harvard attorney **Danielle Y. Conley**.
- After Looby, it was Harvard Director of Research for Admissions and Financial Aid **Erica J. Bever's** turn. She took questions from SFFA lawyer **J. Scott McBride**. Thursday's allotted court time drew to a close before McBride finished his set of prepared questions for Bever.

WHAT: Fitzsimmons walked through Harvard's admissions process in detail. Looby spoke about whether and how College admissions officers consider race when evaluating applicants. Bever took questions about a confidential 2013 report she helped produce that suggested Harvard's admissions system produces "negative effects" for Asian Americans.

- Lee picked up where he left off on day three, asking Fitzsimmons to tell the public how Harvard's admissions process actually works. Fitzsimmons spoke at length, describing the steps of the candidate review process. He also discussed what Harvard reviewers look for in applicants, noting that employees weigh both academic and personal ratings. He said race is never a negative factor during evaluations.
- Fitzsimmons later talked about the "Dean's Interest List," a special and private list of Harvard applicants who are often related to or of interest to top donors. Students on the list tend to see higher acceptance rates. Fitzsimmons said roughly 15 to 20 students on the list are children of "significant donors" and said he tries to give top donors "an advance warning" if their children will not be admitted to Harvard.
- At one point during his questioning of Fitzsimmons, Lee introduced a detailed dataset that contained information on Harvard applicants and admits stretching from the Class of 2000 to the Class of 2017. A Crimson analysis of that data revealed that, **over a nearly two-decade period starting in 1995, Asian-American applicants to the College saw the lowest acceptance rate of any racial group that sought admittance to the school.** Read the full story [here](#).
- Looby was up next. In reply to questions from SFFA's lawyers, Looby suggested Harvard admissions officers do not receive extensive guidance on how to weigh race

in the evaluation process. After much pressing from SFFA, Looby said that the College tells admissions employees, "Just be careful with what you write." Later, during cross-examination from Harvard lawyer Conley, Looby clarified that he has "absolutely" received extensive training on weighing "race as one factor of many."

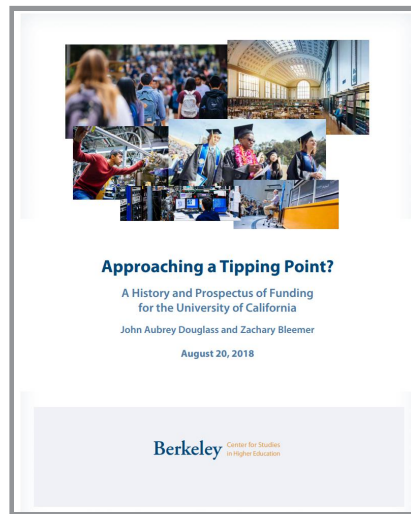
- Bever took the stand after Looby and immediately faced fire from SFFA lawyer McBride, who grilled her about the 2013 Harvard report and what he asserted were inconsistencies between her previous court testimony and what she said in certain depositions.
- After the trial ended for the day, Lee paused on his way out to take questions from a scrum of reporters. Munching on a CLIF bar,* Lee said Harvard's race-conscious admissions policies have been "blessed" time and again by the Supreme Court.



Note: Overall admissions rate also includes Native American/Native Hawaiian, International, and Unknown/Other students. === Source: <https://www.thecrimson.com/article/2018/10/16/what-happened-today/> === *Is this a Harvard thing? <https://www.clifbar.com/>

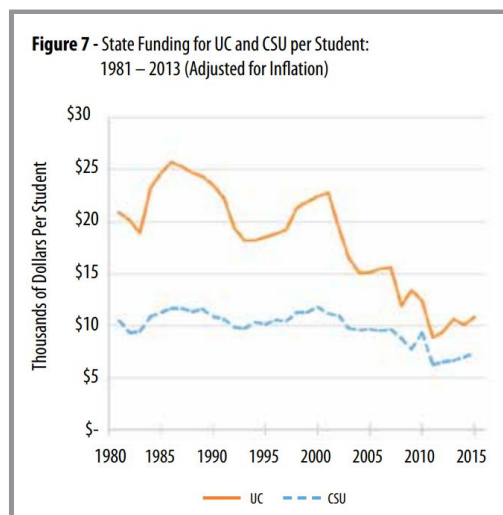
Berkeley Report on UC Funding

Friday, October 19, 2018



A comprehensive report on UC funding is available from the UC-Berkeley Center for Studies in Higher Education. Although dated in August, it is now downloadable from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3250871

Excerpt from abstract: ... *Beginning with cutbacks in the early 1990s UC's state funding per student steadily declined. The pattern of state disinvestment increased markedly with the onset of the Great Recession. As chronicled in this report, the University diversified its sources of income and attempted to cut costs in response to this precipitous decline, while continuing to enroll more and more Californians. Even with the remarkable improvement in California's economy, state funding per student remains significantly below what it was only a decade ago.*



Peering into the future, this study also provides a historically informed prospectus on the budget options available to UC. Individual campuses, such as Berkeley and UCLA, may be able to generate other income sources to maintain their quality and reputation. But

there is no clear funding model or pathway for the system to grow with the needs of the people of California. UC may be approaching a tipping point in which it will need to decide whether to continue to grow in enrollment without adequate funding, or limit enrollment and program growth to focus on quality and productivity.

Harvard Admissions - Part 5

Saturday, October 20, 2018



The Harvard Crimson continues its summary of the admissions trial proceedings:

WHO: A series of Harvard administrators took the stand Friday to face cross-examination from both SFFA* and University attorneys.

- Harvard's Director of Research for Admissions and Financial Aid **Erica J. Bever** was up first, continuing her testimony from the day before. SFFA lawyer **J. Scott McBride** grilled Bever for much of the morning; Harvard lawyer **Felicia H. Ellsworth** took her turn asking questions after McBride finished.
- **Erin Driver-Linn** — the Harvard School of Public Health Dean for Education — stepped to the witness stand after Bever. She took questions from SFFA lawyer **Katherine L. I. Hacker** and, later, Ellsworth.
- The third and final witness Friday was **Marlyn E. McGrath '70**, Harvard's director of admissions. She answered questions from SFFA attorney **Adam K. Mortara** and from Lee. Lee was still questioning McGrath when Judge **Allison D. Burroughs** adjourned proceedings for the day at 4 p.m. He will continue his queries Monday.

WHAT: Bever defended Harvard's apparent failure to take significant action to respond to a 2013 internal report that concluded the College's admissions process produces "negative effects" for Asian Americans. Driver-Linn also discussed the report. McGrath faced a series of questions from SFFA lawyers about internal emails she exchanged with Harvard admissions officers and with her daughter.

- Bever spoke at length about the 2013 report, which she helped produce as part of her work for Harvard's Office of Institutional Research [OIR]. She emphasized that the statistical models OIR employees used to analyze Harvard admissions left out hundreds of variables. And she noted that many factors College reviewers consider are simply not quantifiable. Harvard has repeatedly insisted the 2013 report was limited in scope, relied on incomplete data, and was not meant to conclusively evaluate whether the College discriminates.
- Driver-Linn, who was also involved in producing the 2013 report, spoke mostly on the same topic. She, too, emphasized that OIR models left out specific applicant traits — factors such as candidates' exceptional artistic talent and personal essays. She said the OIR analyses "weren't designed to look for evidence of bias or discrimination."
- When McGrath stepped to the stand, SFFA lawyers had ammo ready. The attorneys introduced a series of Harvard admissions-related emails, some sent by McGrath and some sent to her. Mortara zeroed in on one exchange between McGrath, her daughter Elizabeth Lewis, and long-serving D.C.-area admissions officer David L. Evans in which the trio discussed a less-than-inspiring candidate who had won a spot on the mythical "Z list," a small pool of Harvard admits whose acceptance is deferred for one year. Court documents published over the summer showed that Z listers are overwhelmingly white and wealthy. "I'm not sure he was terribly strong (though he was a black legacy)," Lewis wrote.

- "Terrible case," McGrath replied. "We did it entirely for contingent reasons. We never see strong black candidates from [redacted]... I feel badly."
- Lee objected to the introduction of this email chain, arguing it has no relevance to Harvard's alleged discrimination against Asian-American applicants. Mortara countered that the emails are germane because they prove that Harvard is not entirely truthful and transparent in its admissions process.
- Amid frequent objections from Lee, Mortara finished his questioning by asking why the College frequently grants staff interviews to the children of top donors, legacies and athletes — and by pressing her on why Harvard does not use Common Application data on religious identity in its candidate evaluation process. McGrath said the College does not track religious identity due to advice given by Harvard's legal counsel.
- When his turn rolled around, Lee walked McGrath through each piece of evidence Mortara introduced and sought to discredit the SFFA lawyer's arguments. He also began asking McGrath about the casebooks Harvard uses to train its admissions officers, but time ran out before he got very far. Lee said he will continue his questions Monday.

Source: <https://www.thecrimson.com/article/2018/10/16/what-happened-today/> ===

*Students for Fair Admissions: <https://studentsforfairadmissions.org/>

Slow News Day

Sunday, October 21, 2018



On slow news days, we have been featuring photos of the gradually-emerging new Anderson building. These images are from last week.





Harvard Admissions - Part 5.5

Sunday, October 21, 2018



While we await for the Harvard admissions trial to resume, eager blog readers might want to take a look at an article appearing in Politico, essentially an exposé regarding Harvard practices in 1990 that emerged from a Freedom of Information Act (FOIA) request:

<https://www.politico.com/magazine/story/2018/10/21/harvard-admissions-affirmative-action-221669>

and

<https://www.politico.com/blogs/under-the-radar/2018/10/21/anti-asian-discrimination-harvard-admissions-921162>

A cautionary library tale from UC-Santa Cruz

Monday, October 22, 2018



The Great Library of Alexandria:

Things didn't work out so well there either. Yours truly received the message below from CUEA, the Council of University of California Emeriti Associations which will be meeting later this week:

The head librarian moved the science librarian from the science library to McHenry Library, thus (the science librarian was) unable to observe, moderate, or to preserve valuable and rare books.

During the summer, 2016, at the direction of the head of the UCSC library, Elizabeth Cowell, over 80,000 volumes were removed from the S&E library without any meaningful consultation with the faculty. In a blistering conclusion, the chair of the Academic Senate Library Committee (COLASC), stated that her committee was "blindsided" by librarian Cowell who was an ex-officio member of this committee.

To keep this operation secret from the faculty even the library staff were not informed until the removal operation began. Moreover, the volumes removed were sent to a shredder in direct violation of UC regulations about the disposal of excess library material.

The initial motivation for the removal of a limited number of volumes of the S&E library collection was a request of EVC Galloway to create study space for 200 students. But librarian Cowell's plans call for space for over 1,500 students. Ironically, the expensive S&E Library, built to support the enormous weight of stacks of books and journals is not well adapted to have a large number of students on each floor, because of lack of toilets, electrical utilities, and fire codes, etc., and will require millions to implement such a giant study hall.

The reaction of faculty members is well described by Professor of Mathematics Richard Montgomery when he discovered this demolition at the end of the summer 2016. He described it in an article published in the [San Jose Mercury News](#):

<https://www.mercurynews.com/2016/12/24/montgomery-on-ucscs-outrageous-mass-destruction-of-books/>

After this demolition was discovered, the UCSC Academic Senate passed a unanimous resolution demanding that the University Librarian take no further major action on the science and engineering collection without consulting the Academic Senate. But in spite of this resolution, on Feb 10, 2017, Chancellor Blumenthal signed a Science and Engineering Library Renovation, Business Case Analysis (BCA) without consulting any faculty or department chairs. Moreover, the author of this BCA, University Librarian, Elizabeth Cowell refused to release it to the faculty. For example, the Academic Senate Committee on Library and Scholarly Communication (COLASC) was not allowed to see the secret plan. The Chair of Physics requested a copy from Dean Koch, but was refused. Finally Professor Emeritus Michael Nauenberg made a California Public Records Act request to obtain a copy. Now the UCSCEA makes those detailed plans public.

See the secret plan: <https://emeriti.ucsc.edu/files/libraryCPRA.pdf>

Of particular interest is the plan for the basement floor of the S&E library shown below and also part of the secret BCA plan. Originally the S&E library contained 55 stacks on this floor, today there are 34 stacks remaining, but the plan calls for only 9 stacks. Faculty do not know this! On the upper floor there were 60 stacks, now there are none and none on the main floor. The plan calls for none on those floors.

Nauenberg also requested a list of the books that were shredded and those that went to remote storage. Response: "No lists exist." This suggests ALL were shredded. See his slides about our library: <https://emeriti.ucsc.edu/files/librarychemistrytalk4ppt.pdf>

The treasured Lick collection has been broken, some books have been moved to Special Collections so they can't be browsed or checked out, some were de-duplicated. There is no list of which books are now in Special Collections or de-duplicated. Astronomy faculty were not consulted.

Plan for the S&E Library Basement, only 9 stacks will remain. Previously we had 60 on the third floor and 55 in the basement, now 34 are in the basement, no stacks remain on the second or third floor. UCSC will have 9 stacks in the Science and Engineering Library, a UC Research University campus often ranking #1 or #2 in the nation in science citations?

Source (includes diagram):

<https://emeriti.ucsc.edu/History/Reports/CUCEARReportUCSC2018Oct.pdf>

Harvard Admissions - Part 6

Tuesday, October 23, 2018



We continue with the Harvard Crimson's summary of the admissions trial highlights. Below is the Monday summary:

Harvard's student body skews wealthy — and Dean of the College Rakesh Khurana indicated in court testimony this week that he's okay with that.

Khurana stepped to the witness stand around 3 p.m. Monday in the high-stakes and high-profile Harvard admissions trial that could decide the fate of affirmative action in the United States. Adam K. Mortara — the head lawyer for Students for Fair Admissions, the anti-affirmative action group suing the University over its admissions process — rose to face the dean.

Mortara asked whether Khurana is aware that the portion of United States households that draw an annual income of over \$150,000 hovers around 5 percent (though CNN reported in 2016 that roughly 11 percent of American citizens rank in that economic category). He then asked whether Khurana is aware that individuals in that income bracket make up roughly 30 percent of Harvard's student body.

Though there is no definitive data on the matter, The Crimson's 2018 freshman survey revealed that 54.6 percent of respondents indicated their families make more than \$125,000 per year. Seventeen percent of respondents reported an annual income of over \$500,000. (Sixty-five percent of the Class of 2022 took the survey and The Crimson did not adjust the data for response bias.)

"Don't you actually think that Harvard's class should have a socioeconomic makeup that looks a lot more like America, provided the students were academically qualified to be at Harvard?" Mortara asked Khurana. "Your personal opinion, sir?"

"I don't," Khurana replied.

"What is special about wealthy people that Harvard needs to have them overrepresented by a factor of six on its campus?" Mortara asked later.

In response, Khurana said Mortara was missing the point.

"We're not trying to mirror the socioeconomic or income distribution of the United States," Khurana said. "What we're trying to do is identify talent and make it possible for them to come to a place like Harvard."

In total, Khurana spoke for roughly an hour on the sixth day of the admissions trial, which is slated to last for at least three weeks. The dean will return to the witness stand

Tuesday morning.

At stake is whether or not Harvard discriminates against Asian-American applicants, as SFFA alleged when it filed suit against the University in 2014. Khurana is the highest-ranking administrator to testify in the John Joseph Moakley United States Courthouse to date, though former University President Drew G. Faust is scheduled to appear in court some time in the next week or so.

Khurana arrived at the courthouse sporting a blue blazer, a purple-checkered shirt, and a purple tie. In their first chance at the dean, SFFA lawyers did not spend much time on any one line of questioning, instead drifting from one subject to another.

Portions of the questioning were more substantive than others. In addition to quizzing Khurana about Harvard's socioeconomic diversity, Mortara asked him about race-neutral alternatives to the College's race-conscious admissions process. And he pressed the dean on whether Khurana believes the school's admissions policies disadvantage Asian-American students.

Khurana repeatedly insisted he does not.

"I don't believe that Harvard College's admissions process disadvantages Asians," Khurana said.

The dean seemed slightly tense Monday, often pausing several seconds before responding to Mortara's inquiries and giving one-word answers.

But there were light-hearted moments, too — such as when Mortara quizzed the dean on the acknowledgements listed in his Ph.D. "thesis."

"I hope I partially dedicated it to my wife," Khurana said, spurring laughter in the courtroom.

And sometimes, the SFFA lawyer took things back to basics.

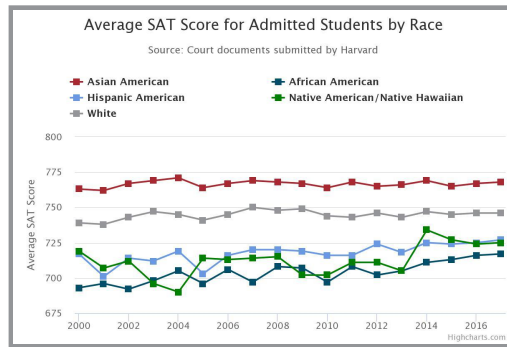
"You're the dean of Harvard College, correct?" Mortara asked. The dean answered in the affirmative.

"You understand this case is about Harvard admissions, right?"

Khurana again answered in the affirmative.

Source: <https://www.thecrimson.com/article/2018/10/23/khurana-testimony/>

Also from the Crimson:



And finally from the NY Times:

Presiding Over the Harvard Admissions Trial: A Judge Who Was Rejected From Harvard
<https://www.nytimes.com/2018/10/22/us/harvard-admissions-trial-judge-burroughs.html>

UC Health Strike News - Part 3

Tuesday, October 23, 2018



About 15,000 medical workers on Tuesday started a three-day strike at five University of California medical centers amid a dispute over pay raises and job security, forcing the cancellation and rescheduling of thousands of surgeries and outpatient appointments, officials said.

The workers that included radiology technicians, respiratory therapists and pharmacy workers picketed the medical centers in Los Angeles, San Francisco, San Diego, Irvine and Davis. They rang bells, wore green-shirts and carried signs that said "End Outsourcing."

Another 24,000 other California union workers, ranging from truck drivers to gardeners and cooks, were striking in sympathy, said John de los Angeles, spokesman for the American Federation of State, County and Municipal Employees Local 3299.

Emergency rooms remained open at the hospitals but officials said the strike would still affect thousands of patients...

Full story at <https://www.apnews.com/4c170c2c9cca4e2ea3616543cf37998c>

UCLA History: Alumni Founders

Wednesday, October 24, 2018



A 1926 photo of the founders of the UCLA Alumni Association: Fred Meyer Jordan, Thelma Gibson, and Leslie Cummins. In 1926, UCLA was still in its Vermont Avenue campus.

Harvard Admissions - Part 7

Wednesday, October 24, 2018



We continue with the Harvard Crimson's summary of Tuesday at the admissions trial:

Former Dean of the Faculty of Arts and Sciences Michael D. Smith took the stand Tuesday to defend his role in maintaining the College's race-conscious admissions practices on the seventh day of Harvard's high-profile admissions trial.

Specifically, Smith spent much of his roughly three-hour long testimony defending the conclusions of a committee he formed in 2017 to research race-neutral alternatives to affirmative action. The "Smith Committee" concluded that "Harvard could not both achieve its diversity interests and achieve other equally important educational outcomes, such as academic excellence" — a finding Smith stood by on the witness stand Tuesday.

Smith's testimony comes during the second week of a trial that is expected to conclude in early November. At stake is whether or not Harvard discriminates against Asian-American applicants, as anti-affirmative action group Students for Fair Admissions alleges in its 2014 suit against the University. Among other charges, SFFA claims that Harvard has not fulfilled the Supreme Court's requirement that colleges should give "serious, good faith consideration of workable race-neutral alternatives" to race-based affirmative action.

Smith said in his testimony that he selected the other two members of his committee — Dean of Admissions and Financial Aid William R. Fitzsimmons '67 and Dean of the College Rakesh Khurana — for their understandings of the admissions process and the undergraduate educational experience, respectively. In discussions of their findings, the three were often joined by attorneys from the University's Office of the General Counsel.

According to the committee's final report, the percentage of admitted students with the highest academic ratings on the admissions office's internal scale "would be expected to drop from 76% to 66%," if a race-neutral alternative was implemented.

"The committee felt [this change] was a significant drop," Smith said Tuesday.

This is not the first time the Smith Committee has entered the courtroom — SFFA expert witness Richard D. Kahlenberg '85, an education researcher and fellow at the Century Foundation, testified about the committee Monday, charging that the group did not adequately consider race-neutral alternatives.

Smith also noted that the College already tried one measure that has been suggested as a race-neutral alternative — eliminating Early Action admissions — and this did not increase diversity. With the Early Action program, students can apply to the College in the fall and receive a non-binding offer of admission by mid-December.

The Faculty of Arts and Sciences voted to eliminate this program in 2007. By 2011, Early Action was reinstated after Smith and the Faculty concluded that the program's absence "wasn't helping" and "was at times hurting" Harvard's admissions process — specifically, the College's ability to retain high-performing admits of underrepresented minority backgrounds.

The students, rather than applying in the Regular Decision pool, were taking their talents to colleges and universities which continued to offer Early Action or Early Decision programs, Smith testified Tuesday.

"While this race-neutral alternative may work for other institutions, it's our experience — our recent experience — that it does not work for us," Smith said.

SFFA lawyer J. Scott McBride asked Smith if race-neutral alternatives were rejected by the committee because they may affect the status of legacy admission, the special consideration the children of Harvard graduates in the admissions process. Smith denied this claim.

"I can envision a simulation where you would eliminate the consideration of race of one factor among many but you still have the consideration of alumni," Smith said.

In the end, Smith said the committee "felt that no racial alternative could substitute the consideration of race."

"I think it's a part of the applicant's experiences," Smith said. "It's not necessarily an impact on every applicant's record, but in many cases the experiences of the cultural and racial background has affected their life."

Smith is not the first top Harvard administrator to take the stand; Dean of Admissions Rakesh Khurana finished his testimony Tuesday morning. Former University President Drew G. Faust is scheduled to appear in court within the next week. Smith said he spent a significant amount of time preparing for his three-hour testimony — he even took a sabbatical from his position as a professor of engineering and applied sciences.

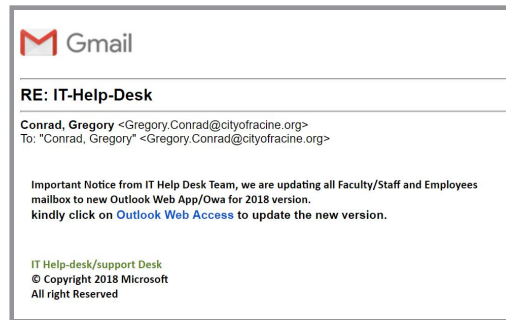
Harvard lawyer Seth P. Waxman '73 ended the former dean's testimony on a moment of levity.

"Go back to your sabbatical," Waxman said.

Source: <https://www.thecrimson.com/article/2018/10/24/smith-defends-admissions-committee-lawsuit/>

Fraud

Thursday, October 25, 2018



Most blog readers will know that emails such as the one above are fraudulent. Yours truly has received more than one of these emails over the past few days. If you get one, don't click on anything. It doesn't come from UCLA or UC. It doesn't come from Microsoft. "cityofracine.org"? "All right (with no 's') Reserved)"?

Just delete it.

UCLA History: Move

Thursday, October 25, 2018



Moving Day (into the new Westwood campus), 1929.

Harvard Admissions - Part 8

Thursday, October 25, 2018



The Harvard Crimson seems to have dropped its daily summary of the admissions trial. But the NY Times has some recent developments, excerpted below:

Days before the opening of a trial accusing Harvard of discriminating against Asian-American applicants, the college issued new guidance to its admissions officers earlier this month on what personalities it is seeking in its incoming freshmen, a question at the heart of the case.

The new guidelines for the Class of 2023 caution officers that character traits “not always synonymous with extroversion” should be valued, and that applicants who seem to be “particularly reflective, insightful and/or dedicated” should receive high personal ratings as well.

The disclosure of the new guidelines on Thursday, the ninth day of the trial in Federal District Court here, address central concerns in the case. The group challenging Harvard’s affirmative action efforts, Students for Fair Admissions, says that the university limits the admission of Asian-American students by giving them lower personal ratings and stereotyping them as quiet and studious. Harvard has denied stereotyping or discriminating against any racial or ethnic group.

The advice on personal ratings does not mention Asian-American bias. But the case has raised the question of whether elite colleges’ preference for certain character traits in applicants — such as extroversion — is culturally biased.

One of the odder quirks of the trial testimony has been how often the word “effervescence” has come up. It has been hammered home that Harvard values applicants who are bubbly, not “flat,” to use another word in the Harvard admissions lexicon.

Admissions documents filed in court awarded advantages to applicants for “unusually appealing personal qualities,” which could include “effervescence, charity, maturity and strength of character.”

Now “reflective” could be a plus as well.

The release of the new guidelines came as a surprise. A parade of admissions officers have taken the stand to say that they do not discriminate. But they have also said, in answer to a repeated line of questioning from the plaintiffs, that there are no written guidelines on how to use race in the admissions process.

The new guidelines explicitly prohibit admissions reviewers from considering race or

ethnicity when evaluating applicants on personal qualities — a directive that does not appear in the old guidelines. (The use of race is also forbidden when evaluating academics, extracurricular activities or athletics.) Race may only be considered, the 2023 rules say, in the “overall” rating, which is a summation and an impressionistic view of the whole applicant.

But even in the overall rating, the new guidelines say, race and ethnicity may be considered only for how they contribute to the educational benefits of diversity at the college, and only as one of many factors.

The existence of the new guidelines was first hinted at on Wednesday, during testimony from Tia Ray, a 2012 Harvard graduate who now works as a senior admissions officer and minority recruiter for the college.

The plaintiffs’ lawyer, Kat Hacker, asked what had by then become a boilerplate question.

“You don’t know of any written document at Harvard that describes how race should play into the admissions process,” Ms. Hacker said. “Is that right?”

“That is incorrect,” Ms. Ray replied, startling the lawyers for the plaintiffs and sending one bolting out of the courtroom.

Ms. Ray had said differently in her deposition. Ms. Hacker quickly asked for a conference with the judge.

Later, Ms. Ray explained that the new guidelines had been adopted very recently, after her deposition. The guidelines were filed in court on Thursday.

Harvard officials said that Ms. Ray had brought up the document because she was in the middle of training admissions officers, and the guidelines were on her mind.

The officials acknowledged that the issues in the trial were in the air, but said the new guidelines were part of a routine annual revision. The officials added that the guidelines were not meant to fix any lapse on Harvard’s part. Rather, the officials said, they simply put longstanding practices into writing...

Full story at <https://www.nytimes.com/2018/10/25/us/harvard-admissions-trial-asian-americans.html>

Package

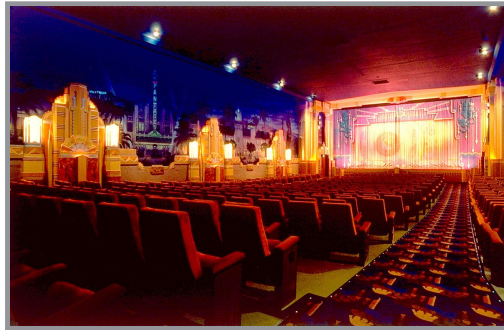
Friday, October 26, 2018



There have been headlines about suspicious packages arriving at various locations this week. Yours truly was at a CUCEA meeting on Wednesday in Berkeley. Some administrators from UC's Oakland headquarters were supposed to come to the meeting to make a presentation. They didn't come and we were told it was because of such a package received at the Oakland headquarters. Police were called and apparently whatever it was turned out not to be dangerous. I don't know more than that, but no reference seems to have appeared to the incident in the news media.

Crest

Friday, October 26, 2018



UCLA announced Thursday it has acquired the Crest Theatre on Westwood Boulevard and said it would turn the landmark venue into a new off-campus performing arts space.

UCLA's purchase of the long-dormant theater was made possible by major gifts from actor, writer and director Susan Bay Nimoy, and an anonymous donor, UCLA said in a statement.

With an anticipated opening date in 2021, the venue will be re-named the UCLA Nimoy Theater in honor of Nimoy's late husband, Leonard Nimoy.

"As a long standing supporter of the Center for the Art of Performance, and its inspired artistic director, Kristy Edmunds, I am thrilled to help provide UCLA with a long-awaited state-of-the-art theater," Nimoy said. "My late husband, Leonard Nimoy, and I admire Kristy's passion for the art of performance, her out-of-the-box imagination, razor-sharp intellect and her vision for what the UCLA Nimoy Theater will bring to Los Angeles."

The UCLA Nimoy Theater is envisioned as a public platform for emerging contemporary performing artists across all disciplines whose work seeks an intimate scale, including extraordinary UCLA students and recent alumni, independent practitioners throughout Los Angeles, and national and international visiting artists, the statement said.

The reinvigorated theater, which will be upgraded to current standards and outfitted with advanced technology, will become a dynamic home on the Westside of Los Angeles for both audiences and artists, enabling creative collaboration and presentation in theater, music, digital media, spoken word, dance and contemporary performance.

The acquiring entities were identified as the UCLA School of the Arts and Architecture and the school's performing arts program, the Center for the Art of Performance. The purchase price was not reported.

"The acquisition and transformation of the Crest Theater into the UCLA Nimoy is a critical next step in our effort to extend the reach of the arts at UCLA beyond the 420 acres of campus," said Brett Steele, dean of the UCLA School of the Arts and Architecture.

Source: <https://patch.com/california/centurycity/ucla-reopen-crest-theatre-ucla-nimoy-theater>

Harvard Admissions - Part 9

Saturday, October 27, 2018



The Lawsuit Against Harvard Admissions Turns Into a Courtroom Battle of Economists

By Nell Gluckman, Oct. 25, 2018, [Chronicle of Higher Education](#)

Peter Arcidiacono, an economist at Duke U., testified on Thursday that “there is a penalty against Asian-American applicants” at Harvard.

Harvard College’s admissions process favors African-American, Latino, and Latina students at the expense of white and Asian-American applicants, a Duke University economist, Peter S. Arcidiacono, testified here in federal court on Thursday. He had been hired to analyze six years of Harvard’s admissions data by Students for Fair Admissions, an anti-affirmative-action organization that sued the college in 2014, claiming it discriminates against Asian-Americans.

Students for Fair Admissions does not plan to call any Asian-American students who were rejected by Harvard to testify, so Arcidiacono is the organization’s key witness. He laid out the crux of the case against Harvard, relying on his analysis of the data to show that Asian-American applicants are treated unfairly.

Though they consistently perform better on academic and extracurricular metrics, he said, “there is a penalty against Asian-American applicants” at Harvard.

Arcidiacono's Analysis vs. Card's Analysis

While Asian-Americans lose out, applicants in other racial groups benefit, according to his analysis. He testified that “two-thirds of African-American admits are admitted as a result of racial preferences and roughly half of Hispanics.”

Harvard officials adamantly deny that admissions officials discriminate against Asian-American applicants. They say that while they do consider race in their admissions process, it can only help an applicant.

David Card, an economist at the University of California at Berkeley, will testify for Harvard either on Friday or next week. His analysis of the same data found no evidence of discrimination. According to Card, Arcidiacono’s analysis is based on “misunderstandings about how Harvard’s process works, what factors Harvard values in the admissions process, and how candidates are admitted.”*

As part of Harvard’s process, admissions officials rate applicants in four categories: academic achievement, extracurricular activities, athletic abilities, and personal qualities. They also give each applicant an overall rating.

Arcidiacono's central claim is that Harvard admissions officials discriminate against Asian-American applicants in two places: the personal rating and the overall score. Harvard admissions officials testified earlier in the trial that they consider an applicant's race only in the overall score. They also said the scores are preliminary, given early in the months-long process. But Arcidiacono said he had found that the applicants who are admitted tend to be the ones who earn high scores on the personal and overall ratings.

"You see the same systematic patterns," Arcidiacono said, "with African-Americans scoring the highest, followed by Hispanics, then whites, then Asian-Americans."

A main difference between the two economists' analyses is which types of applicants they included. Arcidiacono excluded recruited athletes, the children of alumni, the children of Harvard faculty and staff members, and students on a "Dean's List" made up partly of children of donors. Those applicants — about 7,000 out of the roughly 150,000 students in the six-year data set — are admitted at a much higher rate than the rest of the pool, which Arcidiacono said made them difficult to compare with the other applicants.

The judge, Allison D. Burroughs of the Federal District Court, had some questions about the decision to omit that group. She wondered how many Asian-American applicants in those excluded categories are admitted. As it turned out, they are admitted at higher rates than the white applicants.

"It looks to me like what you're arguing is you have an admissions office that's discriminating against Asians, but they only do it in certain places," she said. Arcidiacono agreed.

"If you're discriminating against a group, wouldn't you expect them to discriminate across the board?" she asked. Arcidiacono disagreed with that one.

For most of the day, J. Scott McBride, a lawyer for Students for Fair Admissions, walked Arcidiacono through dozens of slides depicting graphs and simplified equations showing how he had conducted his analysis. Arcidiacono appeared relaxed and almost gleeful on the stand. He sat back in his chair, gestured with his hands, and took frequent sips of water and coffee. He said he doesn't usually get to work with such a rich and detailed data set.

"This data is fantastic," he said. "That's part of the reason I was interested in this."

He also testified that he had been paid \$450 an hour for his work leading up to the trial. He charged a flat rate of \$5,000 for the trial itself.

During his cross-examination, William F. Lee, a lawyer for Harvard, drew out more of Arcidiacono's background, including a controversial paper he wrote about affirmative action. In 2012, he concluded in the paper that African-American students' grades improve as they progress through college in part because they tend to switch out of tough majors. He acknowledged during questioning from McBride that at Duke, "African-American students felt singled out" because of the paper. He said that for him, the experience was "frightening."

Lee noted that Students for Fair Admissions and Arcidiacono himself had received funding from the same source, the Searle Freedom Trust, a libertarian-leaning foundation

that supports conservative causes. Lee asked Arcidiacono if he could name a single member of Students for Fair Admissions who had been rejected by Harvard.

"I guess not," he said.

Arcidiacono's testimony will continue on Friday.

Source: <https://www.chronicle.com/article/The-Lawsuit-Against-Harvard/244930>

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*According to another news source, the Card testimony will be this coming week:

<http://www.wbur.org/edify/2018/10/26/harvard-plaintiff-statistics>

UCLA History: Dedication

Sunday, October 28, 2018



The 1930 dedication of UCLA's Westwood campus: Regent John R. Haynes - Ca Gov William D. Stephens - UC Regent Edward A. Dickson - UC Regent Margaret R. Sarton and UCLA "Director" (what we now call "chancellor") Ernest Carroll Moore.

A cautionary library tale from UC-Santa Cruz - Part 2

Monday, October 29, 2018



Blog readers may recall our posting a week ago about the book depletion of the UC-Santa Cruz library.* Professor-Emeritus W. Todd Wipke forwarded the photos above and below of the result.



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* <http://uclafacultyassociation.blogspot.com/2018/10/a-cautionary-library-tale-from-uc-santa.html>

Harvard Admissions - Part 10

Tuesday, October 30, 2018



Harvard Students, Alumni Defend Value of Diversity on Campus

Wall Street Journal, Melissa Korn, 10-29-18

Three weeks into a trial gauging whether Harvard University discriminates against Asian-American applicants, eight current and former students came to the school's defense. They extolled the value of a diverse campus in enriching their college experiences and said they supported the university's consideration of race in admissions decisions.

"It's my story and I should be able to tell it," said Catherine Ho, a Vietnamese-American sophomore and co-president of the Harvard Asian American Women's Association. "Race has played such a big part in my life. I don't know how I could stop talking about it."

Students for Fair Admissions, the nonprofit suing Harvard and alleging the school intentionally discriminates against Asian-Americans, didn't call any students or applicants to testify. Harvard didn't ask students to testify on its behalf, citing respect for their privacy.

Harvard's admissions process has always been shrouded in secrecy, but a recent lawsuit is allowing the veil to be lifted. The WSJ's Nicole Hong and Melissa Korn examined court documents to dig into some of the new findings. Photo: Getty Images.

Rather, a coalition of 25 student and alumni groups filed a friend-of-the-court brief this summer and received court approval to testify in support of diversity at the university. Members of those groups, and others who testified Monday, were represented by lawyers from the NAACP Legal Defense Fund, Lawyers' Committee for Civil Rights Under Law and Asian Americans Advancing Justice.

The students and graduates—who identify as Chicana, Latina, Vietnamese-American, black and Chinese-American—reinforced the potential impact of the judge's ruling.

Harvard said in a court filing that eliminating affirmative action would give the biggest boost to white students, increasing their share in a recent admitted class to 48% from 40%. The share of Asian-Americans would rise to 27% from 24%, while African-Americans would drop to 6% from 14%, and Hispanics to 9% from 14%.

A significant decline in black and Latinx enrollment would be "catastrophic for a student like me," said Itzel Vasquez-Rodriguez, a Mexican-American woman who graduated from Harvard in 2017. Latinx is the nongendered term for the Latino and Latina community, and was the preferred descriptor for many of Monday's witnesses.

She said there was “absolutely not” adequate representation of students of color on campus, and a further drop would be “really detrimental” both to those in need of a support network and others who could stand to learn from minority populations.

“It would really rob students of that critical Harvard education where you learn from...people who are different from you,” said Sally Chen, a Chinese-American Harvard senior. She said the fact that her San Francisco high school had a large concentration of Asian-American students was “detrimental” to her educational experience.

The courtroom was packed Monday, with dozens of Harvard students and graduates—Asian, white, black, Latinx and others—donning light blue T-shirts reading, #DefendDiversity. They came to support friends and classmates, even breaking into applause at the end of one student’s testimony.

On the stand, students discussed how they thought race-blind admissions would have affected their applications. Most said they couldn’t have expressed their whole selves without mentioning race and wouldn’t want to be at a school that didn’t clearly value diversity.

Ms. Vasquez-Rodriguez spoke in court of being called a “coconut,” brown on the outside and white inside, when she used advanced vocabulary growing up, and her battle against the perception of “being Latina and being smart as mutually exclusive.”

Thang Diep said that even if he hadn’t discussed his Vietnamese-American identity in his application, it would have been obvious from his name, birthplace and parents’ birthplace.

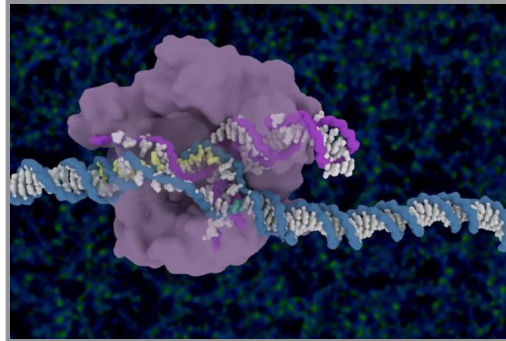
He chose to write about it, focusing his personal statement on rejecting his Vietnamese roots after being bullied as a new immigrant who arrived to the U.S. at age 8 not knowing English, and then ultimately embracing them. Mr. Diep, now a college senior, said he chose to focus on that topic because “I was really tired of erasing my identity for so long.”

Source: <https://www.wsj.com/articles/harvard-students-alumni-defend-value-of-diversity-on-campus-1540853178> via UCOP Daily News Clips, 10-30-18.

Note: There was no testimony reported from students who applied but *didn’t* get into Harvard, a group which includes the trial judge.

Patent awarded for DNA-targeting complex at heart of CRISPR-Cas9 ge...

Wednesday, October 31, 2018



The Cas9 protein/RNA complex (purple) homes in on DNA complementary to the RNA guide and cuts the DNA, like a precision-targeted DNA scissors. From time to time, we have posted about this litigation:

Patent awarded for DNA-targeting complex at heart of CRISPR-Cas9 gene editing

By Robert Sanders, Media relations, October 30, 2018

The University of California announced today that the U.S. Patent and Trademark Office has granted U.S. Patent Number 10,113,167, covering unique RNA guides that, when combined with the Cas9 protein, are effective at homing in on and editing genes. These RNA/protein combinations act like precision-targeted gene-editing scissors.

This CRISPR-Cas9 DNA-targeting complex, discovered by Jennifer Doudna, Emmanuelle Charpentier and their teams at UC Berkeley and the University of Vienna, is one of the fundamental molecular technologies behind the revolutionary CRISPR-Cas9 gene-editing tool.

Together, this patent and prior U.S. Patent Number 10,000,772 cover CRISPR-Cas9 compositions useful as gene-editing scissors in any setting, including animal and human cells. Additionally, the claimed CRISPR-Cas9 guides work both as two distinct pieces of RNA or as a simpler system involving a single piece of RNA.

“These gene-editing scissors have already sparked countless research projects across the globe to improve health and the food supply,” said Edward Penhoet, adviser to the UC Berkeley chancellor and assistant to the UC president. “These patents are the first of many that we expect to be awarded for the Doudna-Charpentier teams’ groundbreaking invention.”

The newly issued patent also encompasses protein/RNA compositions that can deliver CRISPR-Cas9 into cells in two different ways: as a fully functional ribonucleoprotein (i.e., Cas9 protein complexed with RNA), and with the components encoded by DNA that is subsequently expressed and assembled inside the cell to form a functional CRISPR-Cas9 complex.

The international scientific community has widely acknowledged the pioneering nature of the Doudna-Charpentier invention through numerous awards, including the Breakthrough Prize in Life Science, Japan Prize, Gruber Prize in Genetics, BBVA Frontiers of Knowledge Award and Kavli Prize in Nanoscience.

Patents for the use of CRISPR-Cas9 for gene editing in all types of cells have already been issued to the Doudna-Charpentier team by the European Patent Office (representing more than 30 countries), the United Kingdom, China, Japan, Australia, New Zealand, Mexico and other countries.

UC has a long-standing commitment to develop and apply its patented technologies, including CRISPR-Cas9, for the betterment of humankind. Consistent with its open-licensing policies, UC allows nonprofit institutions, including academic institutions, to use the technology for educational and research purposes.

In the case of CRISPR-Cas9, UC has also encouraged widespread commercialization of the technology through an exclusive license with Caribou Biosciences, Inc. of Berkeley, which has sublicensed the technology to many companies worldwide, including Intellia Therapeutics, Inc., for certain human therapeutic applications. Additionally, Charpentier has licensed the technology to CRISPR Therapeutics AG and ERS Genomics Limited.

The U.S. patent granted today (10,113,167) is not involved in any interference proceeding before the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office or appeal before the U.S. Court of Appeals for the Federal Circuit.

Source: <https://news.berkeley.edu/2018/10/30/patent-awarded-for-dna-targeting-complex-at-heart-of-crispr-cas9-gene-editing/>

UC-Berkeley security checks library after learning of bomb suspect'...

Wednesday, October 31, 2018



From the San Francisco Chronicle: *The man suspected of sending 15 pipe bombs this month to prominent Democrats, including former President Obama, searched the internet using the term “UC Berkeley Library,” the FBI told campus police Tuesday.*

“There is no specific reason to believe any explosives have been sent to the university,” according to a campus advisory sent out by the UC Berkeley police after they had phoned campus officials about the development. Campus security was making extra checks of library facilities to ensure public safety. In the advisory, campus police cautioned vigilance and said no one connected to the university was identified as a bomb recipient. Nor were any other campus locations identified...

Full story at:

<https://www.sfchronicle.com/bayarea/article/bomb-suspect-searched-UC-Berkeley-library-13349702.php>

Hawaiian Telescope

Wednesday, October 31, 2018



After years of hearings and litigation, the Supreme Court of Hawaii on Tuesday approved a building permit for a giant telescope on the ancient, contested site of the volcano Mauna Kea. The Thirty Meter Telescope, as it is known, would be the largest ever contemplated in the Northern Hemisphere. Hawaiian activists have opposed it, saying that decades of telescope-building on Mauna Kea have polluted the mountain. Some of them went so far as to block construction vehicles from the mountain to prevent work on the telescope...

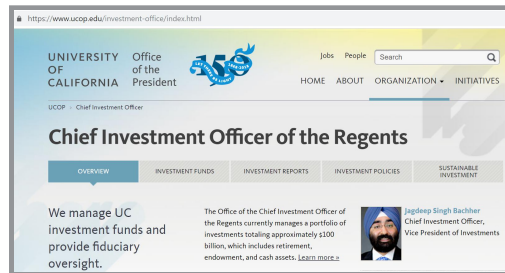
The telescope would be built by an international collaboration called the TMT International Observatory, spearheaded by the University of California and the California Institute of Technology but also including Japan, China, India and Canada at an estimated cost of \$2 billion...

The observatory issued a statement on Tuesday from Henry Yang, chairman of its board of governors and chancellor of the University of California, Santa Barbara, thanking the telescope's supporters. "We remain committed to being good stewards on the mountain and inclusive of the Hawaiian community," he said.

Full story at <https://www.nytimes.com/2018/10/30/science/hawaii-telescope-mauna-kea.html>

Hard to Find

Thursday, November 01, 2018



We reproduce below an article about UC investment returns that appear in a newsletter called "Chief Investment Officer." The info clearly comes from UC's Chief Investment Officer. But if it's on his webpage, it's sure hard to find.

Presumably, it will eventually show up at the upcoming Regents meeting.

University of California's Pensions, Endowments Drive Asset Outperformance

10-31-18, Chief Investment Officer (newsletter)

An 8.1% total return sees the institution's asset growth beat most benchmarks.

The University of California's assets under management returned 8.1% in fiscal 2018, bringing its total value to \$118.7 billion.

The institution's main drivers for the fiscal year, which ended June 30, were its \$12.3 billion endowment and \$66.8 billion pension fund, which returned 8.9% and 7.8%, respectively.

The endowment beat its 8.5% benchmark in the period ended June 30, and has consistently outperformed, returning 6.5%, 8.8%, 5.6%, and 5.9% over the past three-, five-, 10-, and 20-year periods, respectively. However, it returned a little more than half of last year's 15.1%, although the shortfall can be attributed to the stock market's selloff in first quarter, which has been echoed in October.

Its pension plan, while missing this year's 8.4% benchmark by 0.6 percentage point, has still outperformed its benchmarks for the five-, 10-, and 20-year spans (it missed the three-year by just 0.1 point). It is also 90% funded.

"Whether it's a fund we're investing in or a partner co-investment or even direct investing, we're now finding more ways to earn returns while being ever-cognizant of the risks we're taking," said Jagdeep Bachher, the organization's chief investment officer, who added that it conducted more private market transactions in the past year than ever.

All assets are encompassed into five separate divisions, including the endowment and pension pools—retirement savings, working capital (total-return investments and short-term investments), and captive insurance. The bulk is invested in public equity (51%), followed by fixed income (29%). Another 14% is invested in absolute return strategies,

which is made up of private equity, real estate, and real assets. The remaining 6% is in cash.

A whopping 73.1% of the university's assets are invested in the US.

The report did not mention whether the University of California surpassed its total benchmark, or what the aggregate benchmark currently is.

Bachher was unable to be reached for direct comment.

Source: <https://www.ai-cio.com/news/university-californias-pensions-endowments-drive-asset-outperformance/>

Harvard Admissions - Part 11

Thursday, November 01, 2018



Harvard's Star Witness Testified All Day. Here Are 4 Moments That Mattered.

By Eric Hoover Oct. 31, 2018, [Chronicle of Higher Education](#)

A key witness for Harvard University spent five hours testifying here in federal court on Wednesday. For most of that time, David Card appeared calm and composed while discussing numerous data points and explaining various charts. But by mid-afternoon, he seemed uncomfortable, shifting around in his chair. His seat, after all, was getting hotter.

In his second day of testimony, Card, an economist at the University of California at Berkeley, described many findings from his statistical analyses of Harvard's admissions process. Students for Fair Admissions, an organization that opposes affirmative action, has alleged that the university discriminates against Asian-American applicants.

Yet Card found no such thing. "The evidence," he said, "does not support that claim."

Seth P. Waxman, a lawyer representing Harvard, asked Card hundreds of questions. In answer after answer, the researcher rejected the findings of another economist whose conclusions underpin the plaintiff's lawsuit against the university.

Card's elaborate testimony, accompanied by colorful bar graphs and pie charts, just might represent Harvard's best chance of winning this high-profile case. That's why the soft-spoken economist has spent so much time on the witness stand — and why a lawyer for the plaintiff seemed intent on raining doubt upon him.

Here are four key moments from Wednesday's testimony:

Card said his model better captures the reality of Harvard's admissions process.

Elaborating on testimony he gave on Tuesday, Card challenged the findings of Peter S. Arcidiacono, an economist at Duke University. Arcidiacono, a key witness for the plaintiff, found evidence of bias against Asian-American applicants in Harvard's admissions process.

Card's main objection to Arcidiacono's model is that it omits recruited athletes, the children of alumni, the children of Harvard faculty and staff members, and students on a special list that includes children of donors. Excluding all those applicants, who are accepted at a relatively high rate, Card suggested, had skewed his counterpart's results.

Moreover, Card said, Arcidiacono's analysis fails to account for several contextual variables that admissions officers consider when evaluating applicants. Those include

their parents' occupations and intended majors.

"Harvard is thinking about trying to get a set of students who will have lots of diversity," he said. "Having a large fraction of students who all, for example, intended to pursue a career in medicine would not accomplish that goal."

Then there was the personal rating, one of the four ratings that admissions officers use to assess applicants. That rating, Card explained, is meant to capture evidence of integrity and leadership skills, among other factors. Such factors, he said, can go a long way toward explaining why some qualified applicants get in and others don't.

Personal ratings, Card said, aren't "a mechanism" of discrimination.

Card rejected what is perhaps Arcidiacono's most significant claim: that Harvard's admissions officers, by assigning relatively low personal ratings to Asian-American students, are expressing a bias against them.

*Though Asian-American applicants have stronger academic and extracurricular ratings than white students do, Card found that white applicants have stronger ratings in the other two nonacademic measures (personal and athletic qualities) and are more likely to be "multidimensional," with top ratings in three of the four categories.**

Why, Card asked, would admissions officers assign high ratings to Asian-American students in some categories but not others? "I find it extremely hard or impossible to reconcile [his] claim that the personal rating is the mechanism by which discrimination against Asian-Americans is operating," he said. "Like there's some kind of schizophrenia going on here."

Race matters, Card said, but in a more nuanced way than the plaintiff has alleged.

Yes, an applicant's race matters in Harvard's admissions process, Card said. But race alone won't punch his or her ticket to Cambridge, Mass. For that variable to come into play, he explained, an applicant must be highly competitive to begin with.

Three-quarters of Harvard's applicants are, as Card put it, "out of the money," with no chance of getting in. Those in the top percentiles, who are "on the bubble," he explained, excel in multiple dimensions of merit that the university considers.

Add race and — boom — the odds will increase for some applicants. But only if they are highly qualified in various ways.

For the most-competitive black students in the top two deciles, Card said, race can increase their chances of acceptance by 50 percentage points. For Hispanic applicants, there's a similar but smaller effect.

That testimony echoed what admissions officials often say: A given attribute — such as race or geographic location — doesn't really come into play unless a student already possesses many other desirable qualities.

"Race, in isolation, has almost no contribution," Card said, to an applicant's chances of admission.

One notable aside: Card said that there is no “tip,” or advantage, for Asian-American applicants in his model.

Later, Card rejected Students for Fair Admissions’ claim that Harvard engages in racial balancing. He discussed one chart showing how the racial breakdown of admitted applicants at Harvard varied from year to year. One year, for instance, the number of Asian-Americans dropped 11 percent. A year later, they rose by 17 percent.

Another chart showed a similar pattern among students who matriculated.

If Harvard officials were trying to balance classes by race, Card said, “they’re not doing a very good job.”

Card got an earful of tough questions.

Adam K. Mortara, a lawyer for Students for Fair Admissions, wasted no time in challenging Card’s findings. As soon as the cross-examination began, the mood in the courtroom changed.

Mortara was clipped and assertive. He challenged the economist’s finding that race wasn’t a major factor in admissions decisions. He said that there were “inaccuracies” in his slides. He contended that Card had mislabeled charts.

A trial over the race-conscious admissions policy of Harvard University could have lasting implications for selective colleges. Here is detailed background on the case and coverage of the trial as it unfolded, in a federal court in Boston.

Some of Mortara’s questions seemed to fluster Card, who paused several times before answering his questions. Once, after the economist gave a somewhat long-winded answer, Mortara asked, “Are you done?”

That prompted Waxman, one of the Harvard lawyers, to stand up and object. “It’s one thing for counsel to be asking questions,” he said. “Snide remarks are another.”

Judge Allison D. Burroughs of the Federal District Court told Mortara that Arcidiacono, the plaintiff’s witness, had also given some longer answers to questions.

The tense moment served as a reminder: The stakes in this case are high, with both sides girding for a long legal battle that could end up at the U.S. Supreme Court.

The plaintiff’s lawyers will continue to question Card on Thursday. And if the conclusion to Wednesday’s cross-examination is any indication, the gloves are most certainly off.

Source: <https://www.chronicle.com/article/Harvard-s-Star-Witness/244979>

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**Note: The more you “accept” Harvard’s procedures as valid, the less likely it is that you will find statistical symptoms of discrimination. Harvard’s procedures ultimately lead to an overall rating which determines whether you get it. If you start from the rating, i.e., if you accept everything that went into that rating as unbiased, then there will be no discrimination. The more you depart from that assumption, the more likely it is that you will find some discrimination. In the Harvard case, the personality ratings have been an issue. If you accept the personality ratings as unbiased (and then it just so happens that*

Asians get lower personality ratings for some unbiased reasons), then you won't find discrimination.

Film Clips

Thursday, November 01, 2018



Although the article below refers to "ripping" clips from films for use in documentaries, it provides some comfort for faculty - such as yours truly - who use such clips in class to illustrate particular points.

Copyright Office Broadens DMCA Exemption for Filmmakers

Ripping of protected videos will be allowed for all films, not just documentaries, **if the clip has biographical or historic significance.**

By Scott Graham | Oct. 31, 2018 | [Law.com](http://www.law.com)

Digital Millennium Copyright Act (DMCA) exemptions aren't just for documentary filmmakers anymore. The U.S. Copyright Office and Library of Congress last week broadened a DMCA exception to now allow more filmmakers to circumvent anti-copying technology and rip short video clips for purposes of commentary and criticism.

The DMCA criminalizes the hacking of copyrighted books, movies, video games and computer software. But every three years the Copyright Office updates a list of exemptions for legitimate non-infringing uses, such as "jailbreaking" an iPhone to add third-party software.

"This is huge for the independent film industry," said Michael Donaldson, an attorney who argued for expanding the exemption before the Copyright Office, in a written statement. "The use of fair use material by narrative filmmakers has exponentially increased to the point where expanding the exemption to fiction films was absolutely necessary."

Donaldson + Callif partner Chris Perez said Wednesday that the firm has been working on broadening the exemption since 2012. They were helped by a boom in dramatic films that use actors to tell a true story, such as the 2014 Cesar Chavez biopic. Many such films have been adding short, historical video clips to underscore the truth of the narrative.

"It's been a long time coming," Perez said. During previous attempts to expand the exemption, "we just didn't have as many stories to tell the Copyright Office."

Donaldson + Callif handles a range of transactions for filmmakers and production companies, including IP rights clearances. They teamed with professor Jack Lerner, director of the Intellectual Property, Arts and Technology Clinic at UC-Irvine, in their presentation to the Copyright Office.

The new rule shifts the emphasis from the type of film to the purpose of the clip. Only clips used for parody or their "biographical or historically significant nature" are entitled to the exemption. The exemption is premised on the fair use defense to copyright infringement.

Perez said limiting the exemption to documentaries was problematic in part because there's no universally agreed-upon definition of what a documentary is. The new rule is "not perfect in our eyes," he said, "but it covers a lot more filmmakers than it did before."

Source: <https://www.law.com/therecorder/2018/10/31/copyright-office-broadens-dmca-exemption-for-filmmakers/>

Note: Any legal experts are invited to comment on the relevance to classroom/educational usage.

The 1% Glitch

Friday, November 02, 2018



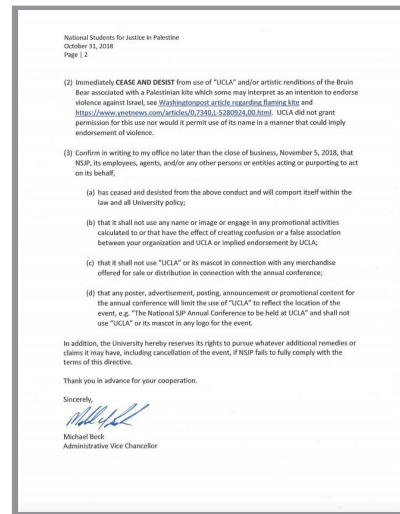
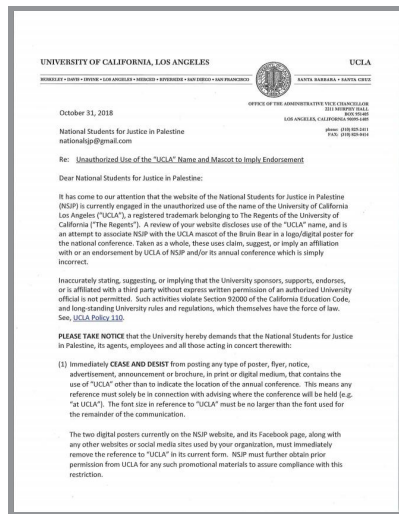
Important Information: Temporary Changes in UCPATH Employee Services Support Dear Faculty and Staff, As UCLA enters into the second month of stabilizing UCPATH on our campus, we are truly grateful for the herculean efforts that have resulted in the **new system successfully and accurately paying 99% of UCLA employees**. This success is due in great part to the collective efforts of campus organizations and departments working collaboratively with the UCPATH team to prepare for the transition. While we acknowledge this milestone for UCLA, we too recognize that the transition to the UCPATH Center has been challenging for some employees, who have experienced longer than normal wait times and a delay in resolving issues. As our campus enters Open Enrollment we expect the volume and frequency of UCLA employee interaction with the UCPATH Center to increase substantially. In order to help the UCPATH Center handle the volume and meet the needs of UCLA, the UCLA Central Resource Unit (CRU) and UCLA Business Transformation Office (BTO) will be working together to provide customer service support for Payroll-related questions and issues for UCLA employees. Starting on **Monday, November 5, 2018**, please reference the matrix below for contact information:

| Employee Issue/Question | Contact for Resolution |
|--|--|
| <ul style="list-style-type: none">If you believe your paycheck is inaccurate, then contact...If you have questions about the calculations and deductions on your paycheck, then contact...If you did not receive a paycheck, then contact... | <p>The UCLA Central Resource Unit (CRU)</p> <ul style="list-style-type: none">Email: Please email contact@ucla.edu with your inquiry. Your email will generate a case that will be assigned to a CRU team member who will follow-up with you to resolve your issue.<ul style="list-style-type: none">Please note that all UCPATH-related issues and questions received in the ucpath@finance.ucla.edu mailbox to date, will be received and closed. New inquiries should be directed to the CRU for resolution.Phone: Call (310) 825-3089 and select Option 5, Monday – Friday, 8:00 a.m. to 4:00 p.m. |
| <ul style="list-style-type: none">If you are a transactor (someone who performs transactions on behalf of an organization or department) in UCPATH and have a question, then contact... | <ul style="list-style-type: none">Email: contact@ucla.edu. Your email will generate a case that will be assigned to a CRU team member who will follow-up with you to resolve your issue. Please note that all UCPATH-related issues and questions received in the ucpath@finance.ucla.edu mailbox will be forwarded to the CRU for resolution.Phone: Call (310) 825-3089 and select Option 5, Monday – Friday, 8:00 a.m. to 4:00 p.m.Schedule an in-person Appointment with the CRU. In-person appointments will be available in half-hour increments, on a reduced schedule, Monday to Thursday (note: appointment hours will be reduced due to the expanded campus-wide support). The appointments will take place at the Wilshire Center, 8th Floor Training Room. <p>To sign up for an appointment, please follow the steps below:</p> <ul style="list-style-type: none">Use Schedule to sign upSelect 30-minute, in-person supportSelect an available appointmentFill out the Calendar formSelect "Schedule Event" |
| <ul style="list-style-type: none">If you have issues or questions that are non-payroll related, (examples: benefits, vacation accruals, etc.), then contact... | <p>The UCPATH Center:</p> <ul style="list-style-type: none">UCPATH Portal: Log in to the UCPATH Portal and click on the Ask UCPATH Center button to generate a ticket.Phone: Call (855) 962-7284, Monday – Friday, 8:00 a.m. to 5:00 p.m. |
| <ul style="list-style-type: none">If you are having technical issues (e.g. logging into UCPATH, problems authenticating, etc.), then contact... | <p>The UCLA Central Resource Unit (CRU)</p> <ul style="list-style-type: none">Email: Please email contact@ucla.edu. Your email will generate a case that will be assigned to a CRU team member who will follow-up with you to resolve your issue.<ul style="list-style-type: none">Please note that all UCPATH-related issues and questions received in the ucpath@finance.ucla.edu mailbox to date, will be received and closed. New inquiries should be directed to the CRU for resolution.Phone: Call (310) 825-3089 and select Option 5, Monday – Friday, 8:00 a.m. to 4:00 p.m. |

During this transition, you should continue to access the UCPATH Portal to manage your personal data, view your paycheck, access benefits information, enroll in benefits, and view vacation and sick leave balances. UCLA is committed to ensuring that employees receive accurate, timely payments as well as excellent customer service. We apologize for any inconvenience this temporary transition may cause you, and appreciate your patience and understanding as we work collectively with the UCPATH Center to ensure the needs of our campus are met. Sincerely, ***The UCLA UCPATH Team***===== Source: From an email sent to all employees.

Can't Bear It

Friday, November 02, 2018



Note: The bear logo in question:



Sources: <http://jewishjournal.com/news/nation/241116/national-sjp-use-logo-ucla-bruin-playing-kite-conference-logo/> and <http://jewishjournal.com/news/nation/241234/ucla-sends-cease-desist-letter-sjp-logo/>

Harvard Admissions - Part 12

Friday, November 02, 2018



'Your Honor, I'm Drew Faust.' Former Harvard President Testifies in Trial

By Alexandra A. Chaidez and Delano R. Franklin,
Harvard Crimson, 11-2-18

Former University President Drew G. Faust took the stand Thursday afternoon as the final witness in the Harvard admissions trial, spending most of her testimony defending initiatives she pursued during her 11 years in power to promote diversity across the University's schools.

"I feel that my tenure has been committed in considerable part to expanding openness, access to Harvard," Faust said. "There is no place for discrimination of any kind at Harvard."

Though University President Lawrence S. Bacow now holds the school's top job, Faust — who stepped down in June 2018 after steering the University for over a decade — helmed Harvard through the 2014 filing of an unprecedented lawsuit that alleged the College discriminates against Asian Americans in its admissions process. Four years later, that suit — brought by anti-affirmative action advocacy group Students for Fair Admissions — is now being litigated in a high-stakes and high-profile trial that could shape the face of race-conscious admissions in the United States.

Faust is among the most high-profile witness to take the stand in the trial, which has drawn national media attention and revealed long-kept secrets of Harvard's notoriously private admissions process.

After Faust introduced herself to the judge, Harvard lead trial lawyer William F. Lee '72 questioned the former president for nearly an hour Thursday. He asked the former president about established Supreme Court precedent that supports the College's admissions policies. The Supreme Court has ruled on three prior affirmative action cases; each of those rulings — in the University of California v. Bakke, Grutter v. Bollinger, and Fisher v. the University of Texas — upheld the use of race in admissions.

Harvard, alongside other major American universities, submitted amicus briefs in those three cases meant to back affirmative action. Faust said in court that the Supreme Court precedents "underscored" the importance of diversity in education.

"There are a wide range of types of diversity that matter to us," Faust said. "Racial diversity is important because race is an element of importance in our society."

SFFA lawyer John M. Hughes later grilled Faust about Harvard's 1920s-era

discrimination against Jewish applicants; at the time, then-University President Abbot Lawrence Lowell debuted a system of admission meant to limit the number of Jews attending the school. Faust objected to SFFA's claim that the anti-Semitic behavior has any bearing on current policies, adding she would not "make an equation" between the two processes.

"It was not a proud chapter in Harvard's history," Faust said.

In her testimony, Faust also canvassed several programs she spearheaded to promote diversity at Harvard, particularly emphasizing her execution and expansion of the Harvard Financial Aid Initiative. The initiative, which launched in 2004, currently provides aid to roughly 60 percent of students at the College and covers the full cost of attendance for around 20 percent.

The Financial Aid Initiative was "an absolute essential act" in order to fulfill Harvard's mission, Faust said.

She spoke about prioritizing the program throughout the 2008 recession, during which she said she increased — rather than cut — financial aid programs.

Faust also testified about increasing racial diversity at the College, noting that her tenure saw a marked increase in the number of Asian-American students and faculty in Cambridge. Faust said SFFA's claims of discrimination against Asian Americans are "completely at odds to the history of Harvard in recent decades."

As one of her final initiatives as president, Faust convened a University-wide task force on inclusion and belonging. That task force, which included students, faculty, and administrators, issued a report on efforts to promote diversity in spring 2018. She appointed John S. Wilson — the former president of Morehouse College and a former member of Harvard's Board of Overseers — as a senior adviser and strategist meant to help the president implement the task force recommendations.

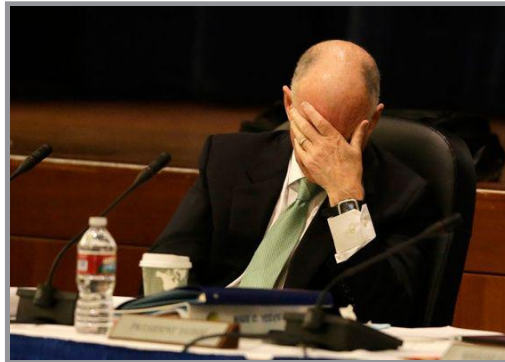
Friday marks the final day of the trial's regular proceedings. Lawyers for Harvard and SFFA are slated to deliver closing statements.

Source: <https://www.thecrimson.com/article/2018/11/2/faust-testifies-in-admissions-trial/>

Note: NPR estimates that the judge in this case will release her decision in early 2019: <https://www.npr.org/2018/11/02/660734399/harvard-discrimination-trial-is-ending-but-lawsuit-is-far-from-over>

Regents Will Meet Nov. 13-15

Saturday, November 03, 2018



November will be the last Regents meeting for Jerry Brown, if he attends. The Regents will be meeting November 13-15 and the agenda is now posted.* It looks like a relatively tame meeting, i.e., no grand controversies on the agenda.

To the extent that there is an agenda item that could be especially important, it is to be taken up in a closed session of the Compliance and Audit Committee.** There is litigation which appears to go back to 2010 as to whether Lawrence Livermore employees have some entitlement to UC retiree health benefits. A byproduct of that litigation could be a court decision that retiree health care is an entitlement for all UC employees. The position of UC has been that retiree health care is a nice thing the Regents do, but not something they have to do. That is, unlike the pension plan, retiree health care is not a vested benefit. There will also be discussion - in open session of the Finance and Capital Strategies Committee - of the annual valuation of UC retiree health benefits (F14).*** That committee will also get a report on the status of UCPath (F12).

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* <https://regents.universityofcalifornia.edu/meetings/agendas/nov18.html>.

** <https://regents.universityofcalifornia.edu/regmeet/nov18/auditx.pdf>. Requa is the Lawrence Livermore case.

*** <https://regents.universityofcalifornia.edu/regmeet/nov18/fin.pdf>.

Harvard Admissions - Part 13

Sunday, November 04, 2018



Note: Did Harvard really help its case by personalizing the admissions process as the product of one dean's design? The Harvard admissions case is a judge-trial, not a jury trial, so having the dean come across as a good guy may count for less than otherwise. If the admissions process is one man's design, and if that one man has biases...

Yours truly suspects that Harvard would have liked to settle this out of court somehow, but since the plaintiffs are apparently aiming for the U.S. Supreme Court - and a test of affirmative action - such a deal was not possible. So, although there was no jury, there was the larger external "jury" of public opinion; having an amiable admissions dean was good PR for Harvard.

Anyway read on.

At Harvard, the legacy of longtime admissions dean on trial

By Laura Krantz, Boston Globe, Nov. 3, 2018

It was early 2013 and William Fitzsimmons, the legendary admissions dean at Harvard, was agitated. In fact, he was furious. The reason? A New York Times column by David Brooks highlighting the implication by conservative Ron Unz that Harvard sets a quota for the number of Asian-American students it admits each year. Fitzsimmons, 74, had spent his entire career pushing Harvard to become more diverse by every measure possible. The suggestion that he was purposely limiting the number of Asian-Americans hit him like an insult. So in the wee hours of a Saturday morning, Fitzsimmons fired off not one but four possible rebuttals to Brooks's column to his staff for review.

"There will never be limits on excellence at Harvard," he wrote in one draft. "We will continue to seek the nation's and the world's most promising students from all ethnic, cultural and religious heritages."

Brooks anticipated the blowback. "You're going to want to argue with Unz's article all the way along," his column said. "But it's potentially ground-shifting."

The column was prophetic; the ground has shifted. Six years later, Harvard finds itself defending its admissions practices against a group claiming Harvard illegally discriminates against qualified Asian-American applicants. The trial has become one of the most closely followed events in higher education this decade. The case will likely reach the US Supreme Court, and the outcome could influence admissions and affirmative action policies nationwide.

In many ways, it is Fitzsimmons' own legacy that is on trial, for he has run the Harvard

undergraduate admissions operation for 32 years. He graduated from the school in 1967, in an era when it largely catered to the children of the East Coast elite. Today Harvard awards free tuition to all low-income families and scours small towns in middle America for new talent. Fitzsimmons himself has become something of an institution, the personification of the modern philosophy that determines which lucky 2,000 students each year receive acceptance letters.

"I'm proud that Harvard over time . . . has really opened the gates of Harvard in all kinds of ways to a much larger range of talent," Fitzsimmons said from the stand in federal district court last week, in a scene that would likely have felt unfathomable to him just a few years ago.

Four days in a row, Fitzsimmons took the stand to explain, in granular detail, the techniques he has honed over the years to pick a freshman class from thousands of sterling applicants. And how all of it is intertwined with his own blue-collar upbringing.

"Diversity adds an essential ingredient," Fitzsimmons told the court. Race is just one factor among many considered, he said. He called the Harvard of today a "profoundly better place" than it was during his time, because of the diversity his admissions team has brought to campus.

Through a spokeswoman, he declined a request for an interview from the Globe.

As the son of a Weymouth gas station owner, Fitzsimmons is living testament to the power of a Harvard education to change a person's lot in life.

Growing up just 20 miles from Cambridge, he had never heard about Harvard until he read about it in an encyclopedia. Now he golfs with millionaires. The summer after he graduated, he had to get a bank loan to travel to Europe with classmates. Now he jets around the world on Harvard's dime. Growing up, Fitzsimmons hung out with his parents' friends at the gas station, and with the boys at Archbishop Williams, the Catholic high school he attended. He recently celebrated his 50th Harvard reunion with friends at the Kennebunkport home of Craig Stapleton, the former US ambassador to France.

But talk to people who have known Fitz, as everyone calls him, since he was an 18-year-old with a severe crew cut, and they'll tell you he's still the same man. He has traded the buzzed hair for graying temples and wire-framed spectacles, but he has managed to guard the humility, fairness, and boyish sense of humor that have been his since childhood. He has no children of his own, but he is the grandfather of nearly 40 classes of Harvard freshmen.

The trial has also shown him to be a savvy operator, balancing his dedication to equal access, even as Harvard grants an extra boost to athletes and the children of donors and alumni.

Fitzsimmons often enlists friends to help with admissions recruiting, and his 1967 classmate Tom Ridge, the former Pennsylvania governor, calls him "an egalitarian soul." Ridge said they joke about the "Erie quota," meaning whether the school will accept any students from the small town where Ridge grew up in public housing.

Last year Fitzsimmons called him excitedly, Ridge said, because a Somali student from Erie had been admitted. Fitzsimmons wanted Ridge to call and welcome him to the class.

"I thought, that is very reflective of how he views his responsibility to build as diverse a class as possible," Ridge said.

Fitzsimmons is the rare 74-year-old admissions dean who still takes recruiting trips. Every year he goes to West Virginia with his counterpart from Yale.

"I just remember myself feeling tired . . . and watching Bill's energy and being truly amazed at Bill's ability to do that," said the Yale dean, Jeremiah Quinlan. The pair always stop at Weaver's, a diner on the Maryland border, for pie. Quinlan said he admires Fitzsimmons' encyclopedic memory and knowledge about the country.

"He connects the larger demographic and socioeconomic issues of the country to the admissions work that we do," he said.

Fitzsimmons is also aware of the sway his post gives him over the admissions industry. In the early 2000s, he was part of an effort to reduce the influence of standardized tests. Before that, he was known to rail against expensive SAT tutors and academic coaching.

"We want to get the word out more clearly that tests should not be used in a rigid way," Fitzsimmons said in 2008 at a conference of the National Association for College Admission Counseling, which had asked him to lead a panel examining testing issues. Many colleges, though not Harvard, today are test-optional, and the role of such assessments is indeed diminished.

"There's no other way to say it, but if Fitz is on something, or leads something, people pay attention," said Joyce Smith, who is now chief executive officer of that association.

Fitzsimmons' pioneering efforts have not always been successful. In 2006, Harvard did away with a policy known as "early action," which allowed students to apply early to one school and commit to it, if admitted. Fitzsimmons said it was his attempt to quell the "college admissions frenzy," which was particularly bad for low-income students because it lessened their chance of receiving financial aid.

But when few other elite schools followed suit, Harvard reinstated the policy after Fitzsimmons said he was losing diverse applicants to other schools, who were locking them in.

When the international recruitment market was just beginning in the 2000s, he traveled to China to tout Harvard as a place for scholars of math and science, not just humanities.

"There are no quotas, no limits on the number of Chinese students we might take," he told a group of students at Beijing No. 4 High School in 2008. "We know there are very good students from China not applying now. I hope to get them in the pool to compete."

He was something of a diplomat at the time as well, meeting with Chinese officials to persuade them to offer the SAT in mainland China instead of just Hong Kong or Taiwan so students who couldn't afford that trip could apply.

That sort of international hob-nobbing is a long way from where he started. When Fitzsimmons was a junior admissions officer at Harvard, he was assigned to recruit from the Boston Public Schools. Michael Contompasis, the longtime headmaster at Boston

Latin School, met Fitzsimmons back then. Over the years, they negotiated over hundreds of BLS students who applied to Harvard.

Recently, when Contompasis was back at BLS as interim headmaster, he pushed for a student who had grown up in the Mildred C. Hailey Apartments housing project in Jamaica Plain and overcome major obstacles in his academic rise. Harvard was hesitant, but Contompasis won.

"Fitz, over the years, obviously has developed an inner sense of 'Is this kid going to make it here, does he or she have the wherewithal to go through four years at Harvard?' "

If anyone can understand where Fitzsimmons is coming from in all this, it is Joe O'Donnell, a wealthy Boston businessman who rose from similarly humble roots thanks to Harvard. The son of a cop from Everett, he said Cambridge felt like another country to him when he first stepped on campus. He and Fitzsimmons bonded over that. The summer after they graduated, the pair took a trip with friends to Europe. Fitzsimmons and O'Donnell each borrowed \$1,000 from the bank to afford the six-week vacation.

"Who would have thought that when Malden was a long trip for me from Everett, that we were in Europe," he said. "We were walking along and thinking how lucky we were to go to a place like Harvard."

Now when he and O'Donnell play golf, Fitzsimmons brings applications along to read. "My guess is he goes to bed with them," O'Donnell said.

Fitz was not the only Harvard admissions employee to take the stand during the trial, but he was the most fluent, speaking with the ease that comes from decades of experience. But even as he fends off the charges of unfairness — charges he considers manifestly unfair — he admits there is always more to do.

"It's a work in progress, we always feel we can do better," he said. Soon applications will begin to flood in for the class of 2023.

Source: <https://www.bostonglobe.com/metro/2018/11/03/harvard-legacy-longtime-admissions-dean-trial/AYgY5zGdGLrB1bHXJDTYxL/story.html>

There's No Place Like Holmes

Sunday, November 04, 2018



Our prior post referred to the supposed benefits of good PR for Harvard. The idea is not confined to that institution:

UC President Napolitano retools office after criticism over state audit

By Matier & Ross, Sunday, November 4, 2018, [San Francisco Chronicle](#)

UC President Janet Napolitano is spending more than a \$1 million to retool her office staff after stinging criticism last year from Sacramento lawmakers over their handling of a state audit.

The first step was to bring in Huron Consulting Group on a \$735,000 contract to give the office a once-over.

Based on recommendations from Huron, Napolitano has just hired a veteran communications and public relations expert — Claire Holmes — to a revived post as the \$360,000-a-year senior vice president of external relations and communications.

It's a nice salary but less than the \$374,625 that Dan Dooley (husband of Gov. Jerry Brown's chief of staff, Dianna Dooley) made before the position was eliminated in 2014.

Napolitano has faced some rough going since an independent investigation found her office interfered with a state audit of its spending habits, findings that contributed to the departure of two of her trusted aides.

That prompted Napolitano to hire Huron to re-evaluate her operation. Now, based on firm's recommendation, the heads of the communications and external affairs units will report to Holmes, who in turn will report to Napolitano.

Source: <https://www.sfgate.com/bayarea/matier-ross/article/UC-President-Napolitano-retools-office-after-13359273.php>

Be she ever so humble...

Slow News Day

Monday, November 05, 2018



On slow news days, we feature pictures of the construction of the new Anderson building. Why? What else should we put on the blog?*



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* http://www.anvari.org/fun/Ethnic_Jewish/Mohel_Watch_Window.html. Some readers may need to Google "mohel."

Le Conte

Monday, November 05, 2018



From a new article on 19th century UC professor Joseph Le Conte in Boom California, a UC Press publication:

...Throughout his works, (Joseph) Le Conte asserted that his racism is grounded in Darwinism and evolutionary science. “The laws determining the effects of contact of species... among animals may be summed up under the formula, ‘The struggle for life and survival of the fittest.’ It is vain to deny that the same law is applicable to the races of man also,” asserts Le Conte. White supremacy, therefore, is simply following the laws of nature. “Given two races widely different in intellectual and moral elevation, especially in the capacity for self-government, in other words very different in grade of race-evolution...the inevitable result will be, *must be*, that *the higher race will assume control and determine the policy of the community*.” Bigotry, in the view of Le Conte, is simply an extension of evolutionary self-preservation. “Race-prejudice, or race-repulsion, to use a stronger term,” writes Le Conte, “is itself not a wholly irrational feeling. It is probably an instinct necessary to preserve the blood purity of the higher race.” ...

Full article at <https://boomcalifornia.com/2018/11/05/the-golden-states-scientific-white-supremacist/>

Streets such as Le Conte and Hilgard were named after prominent UC (Berkeley) faculty when UCLA moved to Westwood. Street name changes presumably would be within the authority of the City of LA, not the university. Although the Le Conte name has become an issue at UC-Berkeley, it hasn't been a concern (yet) at UCLA.

Long-Term Care Insurance and CALPERS

Monday, November 05, 2018



Although UC is not part of the CALPERS retirement system, as state employees, UC employees some time ago were offered the chance to buy long-term care insurance from CALPERS. But then they, like other participants in the insurance, were hit by very large premium hikes. Some dropped the insurance or accepted lower-grade policies.

Not surprisingly, litigation arose out of this episode. Below is a report on the status of that litigation:

The State Worker of [Sacramento Bee](#)

\$1 billion lawsuit over CalPERS insurance rates moves forward with trial date

By Adam Ashton, Nov. 5, 2018

A class-action lawsuit that could cost CalPERS \$1 billion is headed to trial in June, and many of the 122,000 retirees who bought an insurance plan at the center of the case are receiving small checks from an agreement that settled a portion of the claims.

*A Los Angeles County Superior Court judge on Friday set a date for the main trial, known as *Sanchez. vs. CalPERS*. The three- to four-week trial is scheduled to begin on June 10.*

Michael Bidart, the attorney representing CalPERS members who allege the pension fund carried out a contract-breaking rate hike on their long-term health care plans five years ago, anticipates that the trial will go forward as scheduled.

He estimated the plaintiffs could receive as much as \$1 billion in damages from the case. "There are just so many people," he said.

The California Public Employees' Retirement System, meanwhile, has asked a state appeals court to decertify the class of plaintiffs in the lawsuit, which would greatly limit its financial exposure.

CalPERS says in its petition to the 2nd District Court of Appeal that winning the case would actually harm people who bought the plan because the pension fund would be compelled to more than double the rates it charges for long-term care insurance.

"There is no source of funds to pay a judgment other than the long-term care fund itself. Should the fund come up short because of a judgment, we would have to raise rates significantly," CalPERS spokesman Wayne Davis said.

The lawsuit stems from a series of rate increases that CalPERS adopted for long-term care insurance beginning in 2013, peaking with an 85 percent rate hike in 2015. CalPERS says in its most recent appeal that it would raise rates on the plan by 124 percent if it loses the lawsuit. Bidart contends that the structure of the rate increases breached the contracts people signed when they bought the policies beginning in 2003.

Those agreements included assurances that rate hikes would be spread among those who bought long-term care insurance, and that people who bought inflation protection policies would not see their rates increase because of expanded benefits, according to court documents. Bidart criticized CalPERS' argument that winning the case would harm plaintiffs in the lawsuit.

"When they make that argument, it takes your breath away," he said. "Your defense is you can do whatever you want, you can create harm, that the harm you create is so great that you cannot carry on your program without sticking it to the people you stuck it to once."

In July, people who bought the long-term health insurance plan began receiving checks worth about \$80. The money came from a settlement that CalPERS consultant Towers Watson reached in late 2017. The settlement separated the firm from the case, but did not resolve the bigger claims against CalPERS. About 20,000 people had not cashed their checks by September, according to an update Bidart's team posted to a website it created for the case, calpersclassactionlawsuit.com.

Source: <https://www.sacbee.com/news/politics-government/the-state-worker/article221047010.html>

Not Private

Tuesday, November 06, 2018



From the NY Times:

Dennis J. Ventry Jr., a law professor at the University of California, Davis, drew the ire of tax preparation companies like Intuit and H&R Block this summer by criticizing a deal they have to provide a free tax filing service through the Internal Revenue Service. The companies promptly hit back with a tactic that corporations, lobbyists and interest groups are increasingly using against academic researchers: Their trade coalition filed a public records request with the university in July seeking everything Mr. Ventry had written or said about the companies this year, including emails, text messages, voice mail messages and hand-jotted notes. The university estimated that it spent 80 to 100 hours complying with the request, filed under the California Public Records Act, which requires employees of any state agency or institution to produce, upon request from any member of the public, any record that relates to “the conduct of the public’s business” that is “prepared, owned, used or retained” by the university. The request generated 1,189 pages of documents, university officials said. And it was just one example of how both state-level public records laws and the federal Freedom of Information Act, written to ensure transparency and accountability in government, have morphed into potent weapons in legal and business disputes, raising questions about the chilling effects — and costs — they impose on targets who are doing research in controversial or sensitive fields...

Full story at <https://www.nytimes.com/2018/11/05/us/politics/freedom-of-information-requests.html>

We'll Call the Election Early...

Tuesday, November 06, 2018



...At least this facet of the election. And we'll hope for the best, although at least one person sees trouble ahead:

Can't Bear It - Part 2

Wednesday, November 07, 2018



What began as an ostensible trademark dispute over the UCLA Bruin logo, as noted in an earlier post, is becoming a bigger thing.* It's likely to come up at the Regents meeting next week, at least in public comments, as it did at the last Regents meeting in September.

The national chapter of Students for Justice in Palestine has apparently refused to follow a cease-and-desist letter from the University of California, Los Angeles—the site of the annual National SJP (NSJP) conference this month—a day past the deadline. The letter, dated Oct. 31, states that NSJP's logo for the conference, which will be from Nov. 16-18, consists of "the unauthorized use" of UCLA's Bruin Bear playing with a Palestinian kite, "which some may interpret as an intention to endorse violence against Israel."

NSJP's description of the logo is: "The bear native to California as inspiration for grassroots organizing in the west coast, the kite signify the power and hope in the Gaza March of Return, the Kuffiyeh, and the birds of freedom leading our way with radical hope towards liberation for all and a Free Palestine."

Michael Beck, the school's administrative vice chancellor, wrote in the letter: "Taken as a whole, these uses claim, suggest, or imply an affiliation with or an endorsement by UCLA of NSJP and/or its annual conference, which is simply incorrect." He demanded NSJP redo the logo using UCLA's name to demonstrate that the university is just the venue of the conference, and not an affiliate or endorser...

Full story at <https://www.jns.org/national-students-for-justice-in-palestine-refuse-to-follow-ucla-cease-and-desist-letter/>

Also: **L.A. City Council Approves Resolution Calling on UCLA to Cancel SJP Event**
<http://jewishjournal.com/news/nation/241477/city-council-unanimously-approves-resolution-ucla-cancel-nsjp-event/>

Oddly, as of 7 AM today, yours truly could find nothing about this controversy on the Daily Bruin website.===

* <http://uclafacultyassociation.blogspot.com/2018/11/cant-bear-it.html> (Includes disputed logo.)

New Ex Officio Regents

Wednesday, November 07, 2018



Kounalakis New (ex officio) Regents. Yesterday, well before CNN or anyone else, your truly "called" the California gubernatorial election for Gavin Newsom. It didn't take much political skill. We know from 2014 what happens in a gubernatorial race when a no-name underfunded Republican runs against a known Democrat; in 2014 it was Brown vs. Kashkari, 60% vs. 40%. In 2018, it was Newsom vs. Cox and the preliminary results as of this morning are 59.4% vs. 40.6%, essentially the same outcome.



Tuck As lieutenant governor, and now as governor (as of January 2019), Newsom remains an *ex officio* Regent. But that means we will have a new lieutenant governor, Eleni Kounalakis, who will become an *ex officio* Regent. (She won against Ed Hernandez, 56% to 44% as of this morning with final tally yet to be completed; both are Democrats.) Lieutenant governors tend to show up at Regents meetings, since they have not much else to do.

The superintendent of public instruction is also an *ex officio*

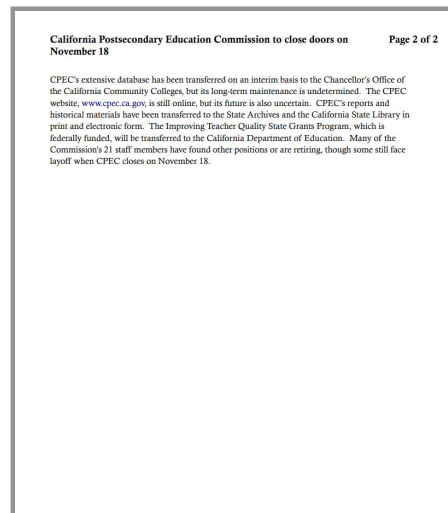
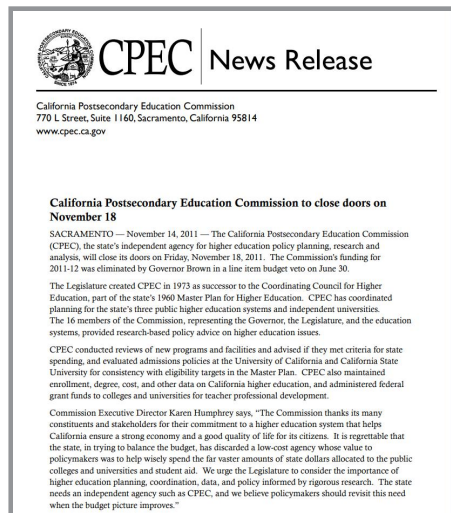
Regent. It appears that the new superintendent will be Marshall Tuck, primarily noted for his support of charter schools. (He appears to have won narrowly over Tony Thurmond; as of this morning, the results were reported as 50.6% to 49.4%.) Tuck will replace termed-out Tom Torlakson. (Both Tuck and Thurmond are Democrats although the office is officially non-partisan. If the final result changes and Tuck is not the winner, we will so note in a later posting.)

Note: Election results are at <https://vote.sos.ca.gov/>.

Back to the Future With CPEC?

Wednesday, November 07, 2018

Jerry Brown removed all funding for the California Postsecondary Education Commission in 2011. Partly it was a budgetary move in the budget crisis of that era. Partly, Jerry was fine with his own views about higher ed: [Scroll down below memo for more text.]



Now it appears that Governor-Elect Newsom may want to recreate CPEC in some fashion. From Inside Higher Ed:

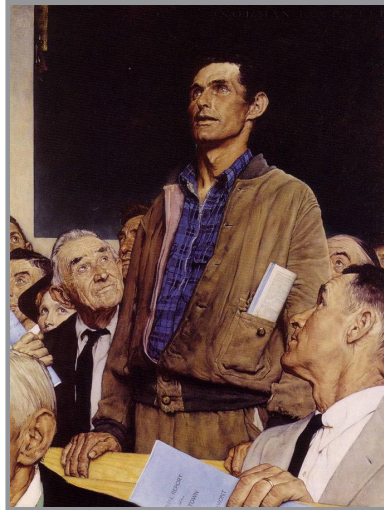
...In his campaign (for California governor, Gavin) Newsom stressed the link between what happens early in a child's life and the progression through school to higher education. He has pledged as governor to create a program where every new kindergarten student in the state is given a savings account by the state to start the path of saving for college. Newsom has also spoken out about the need to address equity gaps early on to assure that students from all groups excel in higher education. He has called it "unacceptable" that of the 10,244 California high school students who took the Advanced Placement exam in computer science in 2016, only 27 percent were female, 15 percent were Latino and 1 percent were black.

*The university and community college systems in the state, he said during the campaign, "operate in their own silos." To change that, he has vowed to **re-create a coordinating board for higher education** (a previous board was killed in 2011) "to set bold statewide goals and hold institutions accountable to them."...*

Full story at <https://www.insidehighered.com/news/2018/11/07/governors-races-and-higher-education>

Call for Nominations to the Academic Advisory Board of the UC Natio...

Wednesday, November 07, 2018



TO: Deans

RE: Call for Nominations to the Academic Advisory Board of the UC National Center for Free Speech and Civic Engagement

Dear Colleagues,

I write to solicit nominations for a campus representative to the Academic Advisory Board of the UC National Center for Free Speech and Civic Engagement, to be submitted directly to my office.

The call for nominations has been issued from the UC's National Center for Free Speech and Civic Engagement. Below is information provided by the Center describing its mission, in addition to the purpose and function of the Academic Advisory Board:

“ UC's National Center for Free Speech and Civic Engagement, founded in 2017, is committed to exploring how the fundamental democratic and academic principles of free speech and civic engagement should enrich the discovery and transmission of knowledge in America's colleges and universities. It is also dedicated to ensuring that the next generation of students is prepared to understand, defend and advance these values. As part of its mission, the Center sponsors fellowships in order to explore cutting- edge constitutional, sociological, and political issues relevant to free expression and civil discourse.

An integral part of the Center will be an Academic Advisory Board. This Board will be comprised of at least one member from each UC campus representing a diversity of disciplines such as political science, education, psychology, law, public policy, sociology, history or statistics. Appointments to the Board may be for up to 3 years.

This Board will meet in person at least twice yearly. The Board will advise the Center on its research and other efforts. It also will participate in the annual selection of fellows.

We would be grateful if you could disseminate this request to your faculty and academic leaders across your campuses in order to generate nominations to the Academic Advisory Board. Individuals may nominate themselves or be nominated by others. Nominations should include a one-page statement of qualifications and interest.”

Sincerely, Michael S. Levine Vice Chancellor, Academic Personnel

==== Source: Email circulated today.

Can't Bear It - Part 3

Wednesday, November 07, 2018



UPDATE to previous post.

UCLA is reported now to accept the bear logo of the NSJP for the upcoming conference so long as the word "UCLA" is not present on the picture:

...Ricardo Vazquez, UCLA's associate director of media relations, said, "NSJP has complied with our request to remove the UCLA name from their conference logo and have committed to include 'at' or will otherwise clearly indicate the reference to UCLA as the place in which the event is being held."...

Full story at <http://jewishjournal.com/news/nation/241648/ucla-says-nsjp-complied-request-remove-schools-name-logo/>

And speaking of the use of the bear logo...

Thursday, November 08, 2018



It's apparently great for selling hotel rooms:

Of course, yours truly has a preference for using grants and gifts for research, teaching, scholarships, etc., uses that don't require keeping rooms filled to justify past capital spending. Example:

UCLA scientists were awarded a \$3.5 million federal grant to develop a blood test to detect early liver cancer, the university announced Nov. 7. The National Institutes of Health issued the five-year grant to develop a UCLA center focused on developing an affordable blood-based cancer screening test. "If you can detect any cancer early, it's much easier to treat – especially for liver cancer," said Xianghong Jasmine Zou, a professor of pathology and laboratory medicine at the UCLA Jonsson Comprehensive Cancer Center, in a statement... Full story at <http://labusinessjournal.com/news/2018/nov/07/ucla-awarded-35-million-develop-blood-test-liver-c/>

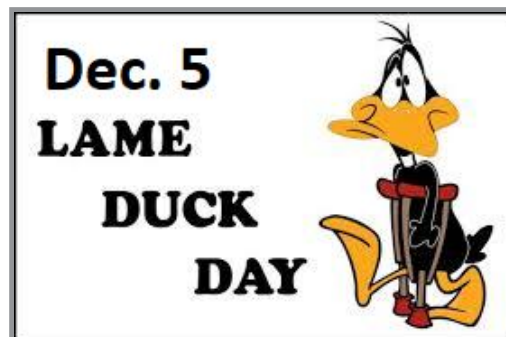
Can the pension promise be broken? Brown's parting gift

Friday, November 09, 2018



As he requested, Gov. Brown will get a chance before leaving office to defend a public employee union challenge to his pension reform that some think could result in a ruling allowing pension cuts.

The state Supreme Court yesterday announced oral arguments scheduled Dec. 5 in Los Angeles on a firefighter appeal to allow employees to continue boosting their pensions by purchasing up to five years of "airtime," credit for years in which they did no work.



If the court finds airtime is a vested right, the court could modify the "California rule" that prevents cuts in the pensions of current workers, limiting most cost-cutting reforms to new unvested hires, which can take decades to yield significant savings.

The airtime case, Cal Fire Local 2881 vs. CalPERS, one of five similar challenges to the pension reform, was fully briefed last January. Brown's legal office replaced the state attorney general in the defense of the airtime ban...

Full story at <https://calpensions.com/2018/11/09/high-court-to-hear-brown-pension-reform-dec-5/>

Although UC's pension has no "airtime" component, the more general issue being raised in this court case could potentially affect UC. As we have noted in past posts, the pension issue is not really of concern for current retirees. Rather, it should be seen as a concern to current employees who are partially being paid with pension promises.

Can't Bear It - Part 4

Friday, November 09, 2018



The email below - circulated this morning - appears to be an aftershock of the recent bear logo controversy:

To the Campus Community: *Next year, UCLA will mark 100 years of transforming its mission of education, research and service into opportunities for students. As we plan for our Centennial Celebration and the next century, it is important to think about how the UCLA Marks (campus logos, department logos, seals, etc.) reflect the institution and its highest ideals. As we all strive to serve UCLA's mission, our diversity and individuality is one of our greatest strengths, but at the core we are one UCLA. Policy 110, which governs the use of UCLA Marks, has undergone a comprehensive review and been updated to unify our use of the UCLA Marks and how we represent ourselves to the global community. The updated Policy 110 is officially in effect as of today and is posted online with other UCLA Administrative Policies and Procedures .*

Over the past two years, a group of representatives from several key campus groups have worked together, reviewing and revising campus policies and procedures related to our use of the UCLA Marks. These changes to policy and procedure provide an opportunity for the campus community to refresh and update as we forge ahead into the next century. This effort resulted in three important changes now in effect:


- UCLA Policy 110: Use of the University's Names, Seals and Trademarks* has been revised and reflects changes that will impact all uses of the UCLA Marks, including departmental depictions. Per University policy, every use of a UCLA Mark requires authorization; fortunately, UCLA Policy 110 sets forth **when** the marks may be included and pre-authorizes many common uses. Please spend a few minutes familiarizing yourself with the permitted, restricted and prohibited uses of the UCLA Marks.*
- UCLA Brand Guidelines have been updated and enhanced to meet ADA compliance standards and to provide you with detailed instructions about **how** to use the new logos, colors and typography. The guidelines also provide useful templates and tips to help you apply the brand in a variety of formats. As UCLA Policy 110 stipulates that every use of a UCLA Mark must follow the UCLA Brand Guidelines, it is important to make use of this vital resource.*
- Requests to use the UCLA Marks will now be processed online. Whether you are printing a logo on a flyer, custom designing t-shirts with UCLA Marks, or co-branding a new initiative, the new system will help you to navigate policy provisions and obtain*

the proper permissions.

*Thank you for your help in presenting UCLA and its myriad organizations and programs as a united institution under one brand. If you have any questions regarding these changes, please email adminvc@ucla.edu. Sincerely, **Michael J. Beck**, Administrative Vice Chancellor* === *This link seems to be the heart of the updated policy.

Hard to see the scandal

Friday, November 09, 2018

**Capitol Alert**
The go-to source for news on California policy and politics

CAPITOL ALERT

California universities make millions on applications they reject

BY ANDREW SHEELER
aheeler@flashreport.com

November 09, 2018 12:01 AM

UCLA made more than \$6.7 million last year from admission applications, with more than 80 percent of it coming from applications that were ultimately rejected.

UCLA topped a list of 500 higher education institutions, public and private, surveyed by the National Center for Education Statistics and curated by LendEDU, a "marketplace for private student loans, student loan refinancing, credit cards and personal loans," according to its website.

But UCLA wasn't alone among California universities to receive considerable revenue from applications. Thirteen California universities were counted among the top 50 for total revenue from applications, with the first six slots going to UCLA, UC San Diego, UC Berkeley, UC Irvine and UC Santa Barbara.

| Rank | Institution | Total Applicants | Application Fee Cost | Revenue Off Total Applications |
|------|--|------------------|----------------------|--------------------------------|
| 1 | University of California-Los Angeles | 97,112 | \$70 | \$6,797,840 |
| 2 | University of California-San Diego | 84,208 | \$70 | \$5,894,560 |
| 3 | University of California-Berkeley | 82,561 | \$70 | \$5,779,270 |
| 4 | University of California-Irvine | 77,816 | \$70 | \$5,447,120 |
| 5 | University of California-Santa Barbara | 77,112 | \$70 | \$5,397,840 |

The article from the Sacramento Bee shown on the left leaves the implication that there is some kind of scandal because applicants to UCLA and other universities pay an application fee, but many applications are rejected. It's unclear why that fact should be seen as a scandal.

Calculations of the revenue obtained are simply applicants times the fee. There is no mention in the article of the fact that the application fee can be waived based on family income, etc. Unless the number of applicants used in the calculation removes those who received fee waivers, the estimated revenue must be an overstatement.

There is no calculation or estimate in the article as to the cost of processing an application, successful or not. Note that some successful applicants - presumably including some who got fee waivers - don't come. Is it a scandal that they imposed a cost on the university without coming? We seem to have a non-story. Slow news day?

Full article at <https://www.sacbee.com/news/politics-government/capitol-alert/article221386570.html>

PS: If you think the article above is not hinting at scandal and is just presenting data, take a look below at how the conservative Flashreport news aggregation site is portraying the piece:

Ivory Towers Profit Off Poor



California universities make millions on applications they reject

UCPath Glitch

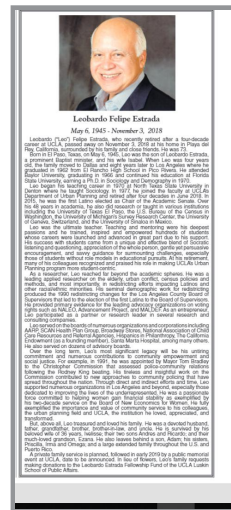
Friday, November 09, 2018



From the Bruin: *Hundreds of UCLA student workers have not been paid for over a month due to problems with a new payroll system. The new system, University of California Payroll, Academic Personnel, Timekeeping and Human Resources, aims to centralize payroll across the University of California. Since UCPath was implemented at UCLA in September, many student workers said they have been paid incorrectly or not at all...Daniel Schoorl, vice president of University Council-AFT Los Angeles, Local 1990, said lecturers have self-reported pay issues, including a lack of payment or payment shortages. UC-AFT is a union that represents UC librarians and non-Senate faculty... Full story at <http://dailybruin.com/2018/11/09/problems-with-ucpath-system-cause-financial-disruptions-for-uc-workers/>*

Leobardo Felipe Estrada

Saturday, November 10, 2018



From LA Times, 11-9-2018

Still Running Ahead

Saturday, November 10, 2018



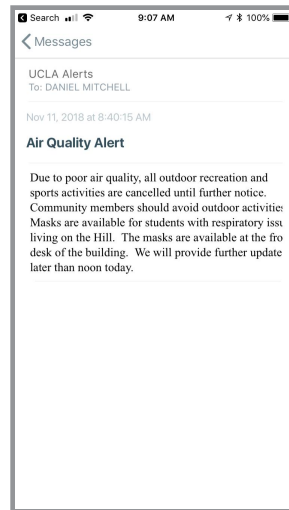
Although somewhat less cash came to the state in October than was projected back when the budget was put together in June, the state is still running ahead of projections by about \$1 billion in receipts for the first four months of the fiscal year. So Governor-elect Newsom doesn't have to panic. But he will have to submit a proposed budget for fiscal 2019-20 shortly after taking office in January. And that budget will presumably give some indication of the new governor's priorities.

You can find the controller's cash statement for October at:

<https://www.sco.ca.gov/Files-ARD/CASH/October%202018%20Statement%20of%20General%20Fund%20Cash%20Receipts%20and%20Disbursements.pdf>

Message

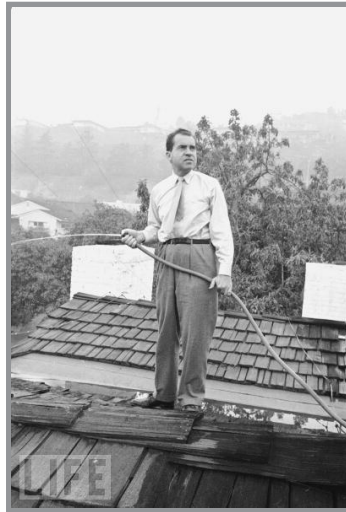
Sunday, November 11, 2018



Although the emergency system alert doesn't quite fit on an iPhone screen (as shown above), the message is clear enough.

Back to the Future

Sunday, November 11, 2018

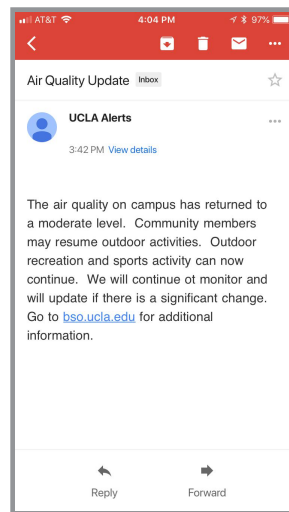


Our previous post reminded yours truly of a fire that threatened the UCLA campus in 1961 - not that yours truly was in LA at the time - the Bel Air fire. Here we see then-former VP Nixon spraying down his house in Bel Air at the time.



Air Update

Sunday, November 11, 2018



The latest from UCLA above.

UCLA History: Veterans of Future Wars

Monday, November 12, 2018



Members of UCLA's "post" of the "Veterans of Future Wars," dressed in World War I-era military uniforms, mug for the camera in the mid-1930s. The "Veterans of Future Wars" was a satirical organization begun by students at Princeton University. The group formed after World War I veterans, many of whom had become unemployed since the beginning of the Great Depression, unsuccessfully lobbied Congress to pay them the full value of their military bonuses immediately, the sum total of which was \$3.6 billion dollars, originally to be paid out in 1945. The "Bonus Army" descended on Washington, DC in 1932. Eventually, then-President Herbert Hoover called out the Army to remove the veterans, an act that sealed his defeat in the 1932 election.

The Veterans of Future Wars claimed that they were likely to fight and perhaps die in the wars the United States would fight over the next 30 years, and as such should be paid their military bonuses while they were still alive to spend them. The organization became quite popular on college campuses in 1936, attracting conservative students who opposed the fiscal policies of FDR's administration, and leftist and pacifist students who saw the organization as a statement against war itself. By June of 1936, the group boasted 50,000 students on 584 campuses. The organization disbanded in April of 1937. Ironically, many of the students who belonged to the Veterans of Future Wars would serve in World War II, including all but one of its founding members at Princeton.

Source (with corrections and modifications):
<https://calisphere.org/item/ark:/21198/zz0025ft34/>

Newsreel footage of the 1932 Bonus Army

Mistreatment of World War I veterans - who had fought for their country but were now unemployed - was a major theme of the Great Depression. Note the lyrics of the classic Depression song, "Brother Can you Spare a Dime?":

*...Once in khaki suits, gee we looked swell,
Full of that yankee doodly dum.
Half a million boots went sloggin' through hell,
And I was the kid with the drum.
Say, don't you remember, they called me Al.*

*It was AI all the time.
Why don't you remember? I'm your pal.
Say buddy, can you spare a dime?*

A Nip and Tuck Contest

Monday, November 12, 2018



Tony Thurmond vs. Marshall Tuck In an earlier posting soon after the recent election, we noted that there would be new *ex officio* Regents starting in January. It appeared at the time that Marshall Tuck had a narrow lead for superintendent of education. However, the counting of absentee and other such ballots has narrowed the narrow lead:

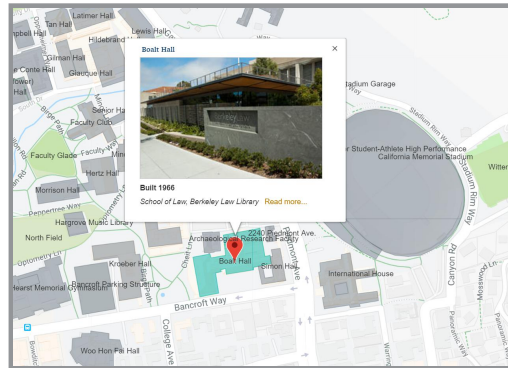
...As of Sunday at 9 p.m, Tuck, with 50.2 percent of the vote, was 0.4 percentage points ahead of Thurmond, with 49.8 percent, according to the California Secretary of State. Tuck is now 29,424 votes ahead of Thurmond in the nonpartisan race, out of just over 7 million ballots reported by the Secretary of State. But after Tuesday's vote Tuck led Thurmond by nearly 86,000 votes, indicating that the large numbers of uncounted ballots are tilting strongly in Thurmond's favor. Since the Election Day tally, Thurmond has sliced Tuck's lead by about 56,000 votes. Tuck currently has 3,539,406 votes, compared to Thurmond's 3,509,982 votes...

Source: <https://edsource.org/2018/tucks-lead-over-thurmond-narrows-in-race-for-californias-school-chief/604782>

In short, we will see.

Bolting from Boalt

Monday, November 12, 2018



For more than a century, UC Berkeley's elite law school has been closely tied to the name of the building that houses it, Boalt Hall.

Law school alumni have affectionately referred to themselves as “Boalties.” The Boalt name has been attached to more than 120 organizations, public forums and positions related to the law school — including its alumni and student groups, endowed chairs, school directory and Facebook page. Over time, in the California legal community, many people simply came to call the law school Boalt Hall.

But the revelation that John Henry Boalt, a 19th-century San Francisco attorney, was virulently anti-Chinese has rocked the school and plunged it into the national debate over what to do when honored historical figures turn out to have unsavory pasts. The Berkeley controversy comes as other schools, such as Stanford, the University of San Francisco and Cal State Long Beach, are reexamining California's past and changing building names or dropping mascots associated with those who kept slaves or mistreated Native Americans and Asian Americans.

Boalt, the public now knows, was instrumental in pushing the Chinese Exclusion Act of 1882 — the nation's first immigration ban on a specific group of people. In one influential treatise, he wrote that the Chinese were unassimilable liars, murderers and misogynists who provoked “unconquerable repulsion.” Public sentiment against Chinese immigrants had grown in the 19th century as more than 300,000 came to California as laborers.

A few scholars were aware of Boalt's racism, but it became widely known only last year when Charles Reichmann, a Berkeley law lecturer, published an op-ed and law review article. This month, law school Dean Erwin Chemerinsky plans to announce whether he will move to strip the Boalt name from the school's main classroom building and elsewhere.

The dean also must decide what to do about two endowed chairs established by Elizabeth Josselyn Boalt, who specified the professorships carry the family name. She also donated \$100,000 in memory of her husband in 1906 to help build Boalt Hall.

Chemerinsky's decision will follow months of deliberation by a review committee, with the help of a town hall meeting and a survey sent to all alumni, students, staff and faculty. All

told, the law school has received more than 2,500 comments divided between Boalt loyalists and critics. In the survey, nearly half wanted to strike the Boalt name, while a third favored keeping it... Full story at: <http://www.latimes.com/local/education/la-me-edu-uc-berkeley-law-boalt-20181112-story.html>

Harvard Admissions - Part 14

Tuesday, November 13, 2018



The Harvard admissions case has now been presented and the judge's decision is expected early next year. However, the [NY Times](#) notes that the Asian American admissions issue was foreshadowed back around 1990 at the University of California, Berkeley and at UCLA. See below:

'It's Like Reliving My Past': Harvard Lawsuit Echoes Previous Fight Over Race and Admissions By Mihir Zaveri, Nov. 12, 2018, [NY Times](#) In March 1990, L. Ling-chi Wang got on a plane to Washington, where he felt that his words were being twisted. **The University of California, Berkeley, professor, Mr. Wang had recently scored a victory when the school acknowledged it disproportionately hurt Asian-American applicants in its admissions, amid a wave of similar allegations of discrimination sweeping more than a dozen other universities.** But in Washington, Mr. Wang lobbied against a resolution introduced by a representative from California, Dana Rohrabacher, that called for the federal government to ramp up investigations into reports of such discrimination. What troubled Mr. Wang, a strong supporter of affirmative action, was that Mr. Rohrabacher was claiming that universities' policies helped underrepresented black and Hispanic students get in while, as the congressman put it, squeezing Asian-Americans out. "We feared that the resolution would pit Asian-Americans against other minorities and gut affirmative action as a tool for correcting past injustices," Mr. Wang said in an interview. When the resolution died, Mr. Wang felt vindicated. The conflict, however, was far from over.

...Mr. Wang's experience decades ago, and its parallels with today's debate, reflects how Asian-Americans have continually grappled with being positioned against other minorities. **Claire Jean Kim, a professor of Asian-American studies at the University of California, Irvine, said the Harvard lawsuit is the "continuation of a historical dynamic that's been around for almost two centuries."**The phenomenon gained particular significance in the mid-20th century, when white people praised the work ethic and ability of Asian-Americans as a way to discredit the struggle of African-Americans. At that time, Japanese- and Chinese-Americans were repeatedly portrayed by politicians and the media, including [The New York Times](#), as docile and industrious. Surveys show that Asian-Americans — an extremely diverse, fast-growing and economically divided part of the population — are generally more likely to support affirmative action in education. Some, though, support the Harvard lawsuit's claims, particularly an increasingly vocal group of Chinese-Americans who fear that affirmative action would mean their children lose out while other racial groups benefit. For his part, Mr. Wang was not always focused on civil rights. He was originally from Hong Kong and immigrated to the United States in 1957 as a freshman in high school. He was a music major, and as a graduate student in Chicago, studied Middle Eastern languages. Then he spent the summer of 1966 in the San Francisco Bay Area during a high point of civil rights activism. Mr. Wang saw the challenges many Chinese-Americans faced, like barriers to employment or underrepresentation in police and fire departments, as similar to challenges facing African-Americans that had been described by civil rights leaders like Dr. Martin Luther

King Jr. and Malcolm X. That is when he became an ardent affirmative action supporter. In the 1980s, as the Asian-American population in the United States was booming, many young Asian-Americans were seeking admission at America's top universities. In 1981, The Times reported that the number of students of Asian background at Berkeley had quadrupled. Mr. Wang and others began hearing stories of frustrated parents whose children were denied admission despite strong qualifications. He pored over admissions data, concluding that Asian-Americans were not being admitted at the same rates as white applicants. He rallied a group of local leaders, recruiting them to a community task force to pressure Berkeley to investigate and rectify the discrepancy. The group would continue for five years to push the issue with the university, which initially resisted their claims, as a number of other universities grappled with similar accusations. At the time, the Justice Department told The Times that it had received a number of complaints of discrimination from other universities, too, and in 1988 the Education Department said it had opened inquiries into the University of California, Los Angeles, and Harvard. **In 1990, the Education Department concluded that U.C.L.A.'s math department illegally gave preferences to whites over Asian-Americans. Later that year, the department cleared Harvard of discrimination charges, but noted that Asian-Americans were admitted at a lower rate than white applicants, which the department attributed to preferences given to the children of alumni and to recruited athletes.**Berkeley's chancellor, Michael Ira Heyman, would appear with Mr. Wang and other activists at a news conference and apologize. "It is clear that decisions made in the admissions process indisputably had a disproportionate impact on Asians," Mr. Heyman said at a news conference, according to The Los Angeles Times, pledging to improve its admissions process. "That outcome was the product of insensitivity. I regret that that occurred." "I felt very much vindicated," Mr. Wang said. ...Ultimately, California voters, riding a wave of conservatism, voted to dismantle affirmative action in public universities in 1996. (A state university official told The New York Times last year that the number of Hispanic and black freshmen on the University of California campuses declined immediately after the state's affirmative action ban took effect in 1998, and that Hispanic and black students were the least represented at Berkeley, the most selective campus.) But Mr. Wang felt his lobbying helped bring attention to discrimination against Asian-Americans... At Berkeley, the proportion of Asian-Americans in its freshman class has increased to 46 percent in 2015 from 34 percent in 1990, according to a Times analysis last year. "The most satisfying part is that I managed to successfully separate what we were asking for from affirmative action," Mr. Wang said.

Full story at <https://www.nytimes.com/2018/11/12/us/affirmative-action-asian-americans.html>

A Nip and Tuck Contest - Part 2

Tuesday, November 13, 2018



Thurmond vs. Tuck The ballot count for superintendent of education has now flipped from Tuck to Thurmond. As superintendent, the winner will become an *ex officio* regent. See below:

As California counties continue to process mail-in and provisional ballots, Assemblyman Tony Thurmond, D-Richmond, has for the first time taken a narrow lead in the race for California's state superintendent of public instruction.

Thurmond has erased the 86,000 vote lead Marshall Tuck enjoyed last Wednesday, according to the latest figures released on Monday afternoon by the California Secretary of State.

The earlier count did not include millions of uncounted mail-in ballots that arrived after Election Day, or provisional ballots issued at polling stations.

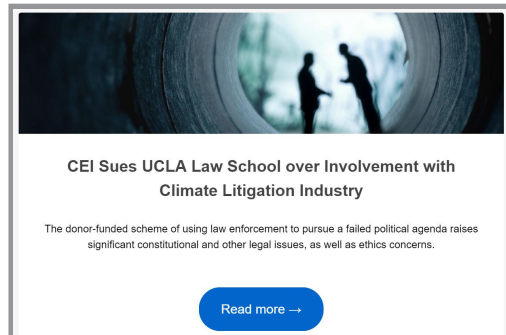
The latest figures indicate that both Tuck and Thurmond have 50 percent of the vote, but that Thurmond has 3,500 votes more than Tuck. Thurmond currently has 3,613,883 votes, compared to Tuck's 3,610,380...

Full story at <https://edsource.org/2018/tucks-lead-over-thurmond-narrows-in-race-for-californias-school-chief/604782>

In the meantime, the Regents' meetings begin today. As usual, yours truly will preserve the audio and keep track of what is happening as time permits.

A periodic reminder that your emails, etc., aren't private

Tuesday, November 13, 2018



From time to time, we like to remind our blog readers that because UC is a public institution, their emails and other documents may not be private. As an example, the Competitive Enterprise Institute (a conservative business group), is suing UCLA for such information under the California Public Records Act, as the image to the left shows.

CEI's media release is at:

<https://cei.org/content/cei-sues-university-california-information-ucla-law-school-involvement-climate-litigation>

Davis closed due to smoke

Wednesday, November 14, 2018



UC Davis reversed Tuesday night's decision to resume classes Wednesday following outrage expressed by thousands of students and faculty as wildfire smoke continues to create unhealthy air conditions in the region. The campus will now be closed for the day with the exception of health care facilities, including UC Davis hospitals, care clinics and the Student Health and Wellness center, UC Davis announced Wednesday morning.

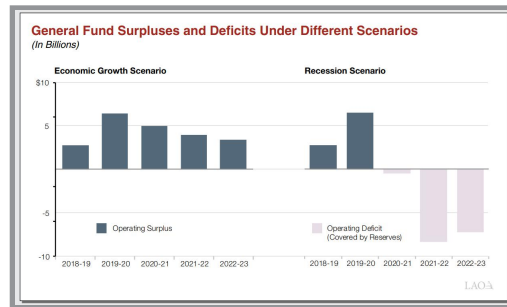
Classes at the UC Davis main campus and satellite campus in Sacramento were canceled Tuesday due to smoke from the Camp Fire that has blanketed the region since the weekend...

Full story at <https://www.sacbee.com/news/state/california/fires/article221639565.html>

Note: The Regents meetings this week began yesterday with the Investments Subcommittee. We will, as usual, preserve the audio and we have already downloaded yesterday's session. However, archive.org where we store the recordings is having technical issues. Until that is cleared up, we cannot post recordings although we will continue to download them.

State Budget Outlook

Wednesday, November 14, 2018



The Legislative Analyst's Office (LAO) has come out with its annual budget outlook publication. As the graphic shows, it posits two alternative scenarios: continued growth and recession roughly starting around the 2020-21 fiscal year.

If there are no new spending commitments - hard to imagine with a new governor and a legislature with a one-party supermajority - the state makes it through the supposed recession, drawing on its reserves. The state has two reserves: the regular general fund reserve and the "rainy-day" fund. The latter mainly scoops off revenue and rechannels it into saving and/or debt reduction.

Of course, it doesn't take much analysis to see that if there are more spending commitments (or if the recession is more severe than assumed), things don't go so well.

In any case, the new LAO publication is at:

<https://lao.ca.gov/reports/2018/3896/fiscal-outlook-111418.pdf>

The California (Pension) Rule

Thursday, November 15, 2018



The **California rule** is a series of state court decisions, a key one in 1955, believed to mean the pension promised at hire becomes a “vested right,” protected by contract law, that can’t be cut unless offset by a comparable new benefit, which could erase any cost saving.

Source: Google search for " **California Rule**."

From CALmatters:

Gov. Jerry Brown nominated long-time aide Joshua Groban to the California Supreme Court...

It’s not clear that Groban could be on the bench in time to hear oral argument in cases on the Dec. 5 calendar. On that docket is a sensitive case pushed by Brown himself that could impact the next governor’s power to change or reduce pension benefits for public employees.

Brown had requested that (Chief Justice) Cantil-Sakauye accelerate consideration of the suit brought by a firefighters’ union, challenging legislation he signed six years ago limiting pensions for employees hired after 2013.

*Along with the League of California Cities, Brown contends that public agencies should be able to breach the so-called **California Rule**. Under that rule, officials cannot reduce pension benefits without providing other compensation to offset the losses. In practice, it has kept cities and public agencies from making even minor tweaks to increasingly expensive pension plans.*

The union that represents Cal Fire firefighters, Cal Fire Local 2881, brought the lawsuit. It’s not known whether Groban worked on the case and, if he did, whether he would recuse himself from considering it.

"Any discussion of individual cases is totally premature at this point," Brown spokesman Evan Westrup said.

Firefighters' attorney Gary Messing said Groban will make an excellent justice, but added:

"He would have to consider whether or not his involvement in the governor's office during the pendency of this action could create the appearance of an impropriety or a conflict. He would have to determine that."

*Brown and Gov.-elect Gavin Newsom apparently diverge on the issue. The Sacramento Bee reported that Newsom assured public employee unions in endorsement meetings earlier this year that he would honor the **California Rule** even if it courts overturn it...*

Full story at <https://calmatters.org/articles/jerry-brown-supreme-court-pick-groban-democrat-majority/>

Thursday, November 15, 2018

Thursday, November 15, 2018

| <p>“Do you think the current level of state funding for California’s public colleges and universities is more than enough, just enough, or not enough?”</p> | | | | | |
|--|------------|-------|-----|-----|---------------|
| | All adults | Party | | | Likely voters |
| | | Dem | Rep | Ind | |
| More than enough | 4% | 4% | 29% | 13% | 12% |
| Just enough | 27 | 21 | 29 | 25 | 25 |
| Not enough | 56 | 71 | 35 | 53 | 57 |
| Don't know | 8 | 5 | 7 | 10 | 6 |

[Click to enlarge] The latest PPIC poll suggests generally favorable public attitudes toward state funding for California higher ed. You can find the details at:

<http://www.ppic.org/wp-content/uploads/ppic-statewide-survey-november-2018.pdf>

Note that the poll comes in an era in which headlines such as those below are in bloom:

CALmatters-headline



Gone elect Gavin Newsom will enter office with not only a big majority of the vote and supermajorities in both legislative chambers, but with a multi-billion-dollar budget surplus.

A landslide, supermajorities and now a fat budget surplus: It's good to be Gavin right now

AA Capitol & California

State budget is so flush words can't describe it

BY ADAM ROSEN
ad@calmatters.org

Gov. Jerry Brown's pouting grin as Gov. elect Gavin Newsom in a state budget so flush with money it comes with a check for \$2.6 billion, the largest surplus in the state's history, is a sight that will be etched in the minds of many Californians.

The Legislature and Newsom could follow Brown's lead and use the surplus to increase property taxes or cut services. But the state would have about \$20 billion to do as it wishes.

"The budget is an unusually good example of the state's economic health," says the annual fiscal outlook by the Legislative Council, which is difficult to envision here given the dire straits of the state.

Economic trends are sunny that the state's office projects a state budget surplus of \$14.6 billion next year, without the Legislature choosing to spend the money or cut taxes.

The surplus report comes as the Legislature and Newsom are set to begin work on the state budget for 2003-2004. The surplus is a testament to the state's economic health, which is a testament to the state's economic health, which is a testament to the state's economic health.

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for government programs in that fiscal year. The office reports that the state's budget surplus is the largest in the state's history, and that the state's budget surplus is the largest in the state's history.

The current one, dating back to the lowest point of the most recent recession, in heading into the 1980s, was a \$1.4 billion surplus. The current one, dating back to the lowest point of the most recent recession, in heading into the 1980s, was a \$1.4 billion surplus.

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AA Capitol & California

THE SACRAMENTO BEI

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Harvard Admissions - Part 15

Thursday, November 15, 2018



We noted in earlier posts that the Harvard admissions lawsuit might not have any fallout for UC because of the voter-enacted proposition that bans affirmative action in California public higher ed. It appears, from the NY Times article below, that there may be an exception, especially if (as expected) the issue eventually ends up at the Supreme Court.

With Echoes of Harvard Case, University of California Faces Admissions Scrutiny

By Anemona Hartocollis, NY Times, Nov. 15, 2018

<https://www.nytimes.com/2018/11/15/us/university-of-california-admissions.html>

An academic who studies affirmative action filed a lawsuit on Thursday against the University of California system, seeking access to a trove of records that he says could reveal whether the system defied state law by surreptitiously reintroducing race as a factor in admissions.

The lawsuit comes just two weeks after the end of a federal trial examining whether Harvard discriminates against Asian-American applicants. The California suit has clear echoes of that case, and it may signal the opening of a Pandora's box of similar data requests at universities across the country, as opponents of race-conscious admissions seek ammunition for their cause.

"To me, this has always been a civil rights issue," Richard Sander, the academic who is bringing the suit, said in an interview on Wednesday. "If you cut off the data, you're saying we don't think the public has a right to examine any of the factors determining admission or success at the university."

A newly formed nonprofit called Asian American Community Services Center, led by George Shen, a businessman and recent Republican candidate for the California State Senate, has joined Mr. Sander in the lawsuit. Mr. Shen said many Asian-Americans believe that "we're not getting a fair shake, so this is a big issue."

Unlike Harvard, which makes no secret of its race-conscious admissions but says it does not discriminate, the nine undergraduate colleges that make up the University of California are prohibited by state law from even considering the race or ethnicity of applicants. California has banned affirmative action in colleges and universities since 1996.

Professor Sander, a law professor at the University of California, Los Angeles, is a prominent proponent of the contentious "mismatch" theory, which holds that students who receive substantial admissions preferences — some racial minorities, for instance, but also so-called legacy applicants and athletes — often flounder and fail, whereas they

would flourish if they went to universities to which they would be better matched.

He said he believed the damage was greatest when universities weighed race heavily over other factors, and that he was not opposed to the use of slight racial preferences.

But Professor Sander said he also believed that researchers and universities were too focused on admissions data when analyzing campus diversity. They should also be looking at outcomes data, he said, which includes majors, grades, how long it took students to graduate, whether they went to graduate or professional school and even their earnings after graduation.

That is the type of data Professor Sander is seeking in his lawsuit. He said he had received several years' worth of similar data from the University of California in 2008, and found that even though the number of black and Hispanic students admitted to Berkeley and U.C.L.A. fell after the affirmative action ban, the drop was more than offset by increases in enrollment at other campuses and increases in graduation rates. More talented students applied to the top schools, he said, while others began at less elite campuses and transferred up.

For the past year, he said, the university system has blocked his public records requests for data from the past decade so he can update his studies, even though he has offered to pay for it himself.

Professor Sander said he suspected that the system, which serves hundreds of thousands of students, reacted to public pressure over declining African-American enrollment by secretly reintroducing race-conscious admissions. That led to a sharp increase in enrollment for black and Hispanic students from California high schools between 2006 to 2013, he said, and fewer Asian-American and white students.

A spokeswoman for the California system, Dianne Klein, said on Wednesday that the university system did not consider race in its admissions process. "Neither race, ethnicity nor gender factor into U.C.'s holistic admissions policy," she said.

Ms. Klein added that to comply with the request for the type of data Professor Sander wants, the university system would have to create a customized database. Public records law does not require it to do that, she said.

Professor Sander said that a 2014 report on freshman admissions at U.C.L.A. provided some support for his theory that the university had gone back to using racial preferences.

The report, by Robert D. Mare, a sociology professor at U.C.L.A., said that "among otherwise equivalent applicants, whites, African Americans and Latinos are overrepresented among those admitted, and Asian-American applicants are underrepresented."

But Professor Sander also said that the affirmative action ban had pushed the University of California to address the cause of low black and Hispanic admissions at its roots. It undertook more aggressive academic preparation efforts and recruitment drives for students before they applied to college, alleviating what he saw as the mismatch problem, he said.

A spotlight on the people reshaping our politics. A conversation with voters across the

country. And a guiding hand through the endless news cycle, telling you what you really need to know.

Harvard's admissions practices came under fire during the grueling three-week trial in Boston this fall, as a group called Students for Fair Admissions accused it of holding Asian-American applicants to a higher standard than students of other races.

Both the Harvard and the California cases represent a shift in the way affirmative action is perceived. Students for Fair Admissions said affirmative action was used not just to help some racial groups at the expense of whites, but to suppress another minority — Asian-Americans. The California case is aimed at exploring whether affirmative action is actually hurting the students it is supposed to help.

As part of the lawsuit, Harvard was forced to release data from more than 160,000 admissions records over six years, revealing some closely guarded secrets. A judge is expected to rule in the case early next year.

UCLA History: Fashion

Friday, November 16, 2018

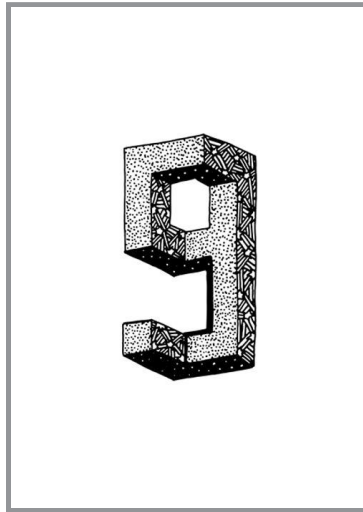


A 1930 photo with a caption indicating it depicts a fashion show of the Associated Women Students of UCLA.

Note: Yours truly is in transit. However, he has - as promised - now succeeded in preserving the full Regents meeting in audio format of this past week. We will be reviewing it and putting it on the blog in the future as time permits.

New Nine

Friday, November 16, 2018



The U.S. Dept. of Education has released revised Title 9 rules. It's not clear how much the rules will affect UC. Possibly, the cross-examination rule will have some effect.

From Inside Higher Ed:

...The regulation -- the first the federal government has issued on the matter -- was crafted to clarify requirements for colleges and to add due process protections for accused students. But women's groups and advocates for survivors of sexual assault warn that it will undermine the rights of victims. And they say it will let colleges off the hook for not taking the issue of sexual misconduct seriously. One of the rule's biggest changes from previous federal policy is that it would make institutions responsible only for investigating misconduct that occurred within a college's own programs. Advocates for victims had warned this would leave institutions off the hook for incidents that occurred off-campus but documents released by the department Friday emphasize that geography alone does not dictate whether misconduct falls under the purview of Title IX. The proposed regulation also would allow colleges to set their own evidentiary standard for making findings of misconduct. And it would require that colleges allow for cross-examination of students in those campus proceedings -- a major point of contention -- although no interaction by the parties themselves would be allowed. Although groups that represent accused students have welcomed many of the changes advanced by the Trump administration, the biggest beneficiaries of the rule may be colleges themselves. Some institutions, under pressure from campus activists, have said they will maintain standards introduced under the Obama administration. But the rule could significantly reduce the liability of colleges... Full story at <https://www.insidehighered.com/news/2018/11/16/proposed-federal-sexual-misconduct-rules-add-protections-accused-students-colleges>

Listen to the Regents Meeting of Nov. 15, 2018

Saturday, November 17, 2018



We'll jump ahead in our coverage of the Regents this past week to the final board meeting of Nov. 15. At public comments, such topics were raised as sexual assault, DACA students, fossil fuels, union issues such as outsourcing, and air quality.

Below is a summary from the [LA Times](#). Links to the audio recording are below the summary.

UC regents approve budget to enroll 2,500 more California students without a tuition hike

[LA Times](#), Teresa Watanabe, 11-15-18

University of California regents on Thursday approved a \$9.3-billion budget that will add 2,500 more California undergraduates and increase support for struggling students without raising tuition in the next academic year.

The spending plan marks the first step in a four-year blueprint to boost enrollment, improve student success and reinvest in faculty and research. UC leaders say their hope is to reignite the "California Dream" for the next generation.

Regents, who ended a two-day meeting in San Francisco on Thursday, are hopeful that the political and financial uncertainties of the last several years are behind them, giving them breathing room to reimagine the future of the nation's preeminent public research university system.

The efforts mark "an important shift in how we talk about what it is that we do, why it's important to the state and why it deserves to be funded," said Regent John A. Pérez.

UC has laid out a long-term goal of producing 200,000 more bachelor's degrees by 2030, which would help close the state's projected shortfall by that year of 1.1 million college graduates

UCLA and UC Berkeley have just about reached their on-campus capacity, enrolling between 40,000 and 45,000 students each. Other campuses — particularly UC Merced and UC Riverside — have more capacity to grow, but it will take more investments in housing, classrooms, labs and offices, according to a briefing paper from UC President Janet Napolitano's office.

In addition to enrolling more students, officials say, UC must step up efforts to help them graduate. About two-thirds of students graduate within four years; the hope is to get that to 76% by 2030. Overall, nine of 10 UC students eventually graduate.

Getting students through more quickly will help them launch their careers earlier and will open up room on campuses for others. UC graduates earn \$260,000 more during the first 10 years after graduation than undergraduates who drop out, the briefing paper says.

UC plans to lobby for legislation to allow low-income students to use Cal Grants for summer courses, which would help them graduate sooner.

The university also wants to better support faculty, lowering class sizes and helping them maintain the system's national leadership in landing federal research dollars.

UC's budget plan requests \$277.6 million in additional state funding — including \$63.8 million to avoid increases in tuition and student fees. Officials also are asking for \$100 million in one-time funding to repair aging facilities. The university expects to raise \$106 million more in tuition revenue from expanded enrollment and higher fees on nonresident students, and \$70.4 million more from investments, philanthropy and cost savings, than it did in the current year budget.

All told, the increased revenue would pay for enrollment growth (\$86.3 million), enhanced academic support (\$60 million), faculty and staff raises (\$137 million), building maintenance (\$115 million) and health benefits, retirement and other mandatory costs (\$119.8 million).

Some regents pushed for more funding after chancellors from UC Davis and UC Berkeley described their pressing need to repair leaking roofs, update electrical systems and retrofit aging buildings that could collapse in an earthquake.

Regent Sherry Lansing urged UC to pursue a statewide construction bond to raise money for seismic retrofitting. "I get very, very scared about endangering the students and structures," she said.

Student Regent Devon Graves asked for money to help struggling students with food, shelter and other basic needs. Robert May, chairman of the UC Academic Senate, endorsed Graves' suggestion and said faculty members have seen how hunger and housing instability directly affect academic performance.

Napolitano said her staff could add as much as \$7.5 million for such basic needs to the budget, which regents will review in January after Gov.-elect Gavin Newsom releases his first spending plan.

Regents also approved a proposal by Graves and board Chairman George Kieffer to form a special regents' committee on basic needs. The committee will spend two years visiting campuses and examining how the university can better support students.

Source: <http://www.latimes.com/local/education/la-me-edu-uc-regents-budget-20181115-story.html>

Link:

Alternately, go directly to:

<https://archive.org/details/3Board111518edit>

Nip and Tuck Contest Goes to Thurmond

Sunday, November 18, 2018



In the election contest for state superintendent of schools, the post-election counting has flipped the race from Marshall Tuck, who appeared to be ahead the day after election, to Tony Thurmond. Tuck was identified with charter schools. Thurmond was more the K-12 establishment candidate. In practice, the superintendent mainly focuses on K-12. But the winner will sit as an *ex officio* regent in future regents meetings.

From EdSource:

Assemblyman Tony Thurmond has won the race for California state superintendent of public instruction, defeating Marshall Tuck in the nonpartisan contest. Two million ballots have yet to be counted but in a tweet he issued this morning, Thurmond said Tuck had conceded the race in a "gracious call to congratulate me and wish me well." The most recent results showed Thurmond 152,000 votes ahead and leading Tuck 50.8 percent to 49.2 percent with 9 million votes tabulated... Full story at <https://edsource.org/2018/thurmond-wins-race-for-superintendent-of-public-instruction/605167>

Listen to the Morning & Afternoon Sessions of the Regents: Nov....

Monday, November 19, 2018



We are going to take advantage of the summary in the [Daily Bruin](#) of the various Regents' committees that met on Wednesday, Nov. 14, 2018:

Julia Shapero, Nov. 16, 2018, [Daily Bruin](#)

The governing board of the University of California met for the second day of its November meeting at UC San Francisco on Wednesday (Nov. 14). The Board of Regents discussed veteran services, food insecurity programs and the outcomes of the 2018 midterm elections.

Board of Regents

A number of students who spoke during the public comment section urged the UC to divest from fossil fuels, saying that investment in fossil fuels is equivalent to the endorsement of fossil fuels. A fourth-year student from UC Berkeley suggested that the UC follow the lead of the University of Massachusetts, which was the first major public university to divest from fossil fuels.

Students urged the UC to approve the creation of the basic needs special committee in order to ensure the success of students from various socioeconomic backgrounds. A second-year student from UC Santa Cruz cited a survey that showed that 5 percent of students in the UC system during 2016 have experienced homelessness, which translates to about 10,500 students. He added that 44 percent of undergraduate and 26 percent of graduate students have experienced food insecurity.

A number of students representing California Public Interest Research Group commended the student voter turnout across the UC, while suggesting that the UC aim to improve voter turnout even more for the 2020 election. A student from UC Berkeley said the California youth voter turnout is up to 31 percent. Students also urged the regents to invest in further funding for students in the Deferred Action for Childhood Arrivals

program, specifically for mental health and legal services.

Members of the American Federation of State, County and Municipal Employees, which represents more than 25,000 service workers and patient care technicians in the UC system, made up the majority of the public comment section. Many voiced frustrations with the UC over outsourcing and inequality, issues which prompted UC-wide strikes in May and October. The section ended with the members chanting, "If we don't get it, shut it down," and, "UC, UC, you can't hide. We can see your greedy side." They were met by a line of police officers, who counted down the minutes the members had until arrest. The group dispersed 30 seconds before arrest. Most students who spoke during the public comment section addressed AFSCME's strike in October, saying they stood in solidarity with the union, and repeated the union's mantra, "Enough is enough."

UC President Janet Napolitano provided updates on the housing initiative she announced in 2016 that would add 14,000 affordable beds by fall 2020. The UC is currently on track to exceeding its goal and plans to add thousands more beds in the years to come, according to Executive Vice President Nathan Brostrom's presentation on the housing initiative.

Listen at:

or direct to:

<https://archive.org/details/0BoardEdit11142018/0-Board-edit+11-14-2018.wma>

There was also a routine Compliance and Audit Committee session.

Audio at:

<https://archive.org/details/0BoardEdit11142018/0-Compliance+and+Audit+Committee-edit+11-14-2018am.wma>

Public Engagement and Development Committee

The committee examined the results of the 2018 midterm elections, its potential impacts on the UC and the future of the new Congress. According to Associate Vice Presidents Kieran Flaherty and Chris Harrington's presentation, the elections led to new ex officio regents and the election of several UC alumni. They added that the shift in partisan control of the House of Representatives from Republican to Democrat may lead to more executive orders and create a divided government, which could lead to a gridlock.

The committee also discussed funding for food insecurity programs on the UC campuses, including efforts the UC has undertaken with the state to fund the initiative. The UC has also supported efforts by the state to analyze and better understand food insecurity.

Regent-designate Christine Simmons and Student Affairs Vice President Robin Holmes-Sullivan also discussed how to reduce the stigma around food insecurity programs, such as food pantries. Holmes-Sullivan suggested involving more students in food security efforts could encourage awareness and discussion of the issue on campus.

Edward Huang, student advisor to the Regents, emphasized that future food security programs should make it convenient for students to take advantage of the programs. He added that students often feel a mental burden in addition to the financial burden of obtaining food, as they do not always have time to cook.

Audio at:

<https://archive.org/details/0BoardEdit11142018/0-Public+Engagement+and+Development-edit+11-14-2018.wma>

Academic and Student Affairs Committee

(There was also a routine meeting of the National Labs subcommittee in this session.)

Listen at:

or direct to:

<https://archive.org/details/2FinanceAndCapitalStrategiesCommittee111418pm/2-Academic+and+Student+Affairs+11-14-18pm+%26+National+Labs.wma>

Finance and Capital Strategies

The regents provided an update on UCPATH, citing its successful deployment in September at UCLA and UC Santa Barbara. However, they acknowledged that students were having issues with the new system, as about 150 students at UCLA had difficulty receiving payments, and that improvements to the system still need to be made. They added they will work on identifying the problems with the system after restoring students' pay.

The committee also provided an overview of the 2019-2020 budget, which sets aside \$60 million for degree attainment and student success, and \$15 million for basic student needs.

Audio at:

<https://archive.org/details/2FinanceAndCapitalStrategiesCommittee111418pm/2-Finance+and+Capital+Strategies+Committee+11-14-18pm.wav>

Governance and Compensation Committee

The committee passed a motion to create a special committee on basic needs, which will focus on making sure students have access to nutritious food, stable housing and financial support. Approval would establish the special committee for two years.

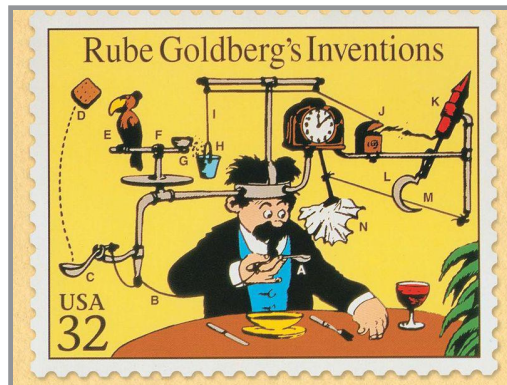
Audio at:

<https://archive.org/details/2FinanceAndCapitalStrategiesCommittee111418pm/2-Governance+and+Compensation+11-14-18.wma>

Source: <https://dailybruin.com/2018/11/16/uc-regents-recap-nov-14/>

UCGoldberg

Monday, November 19, 2018



From the Daily Bruin's editors:

Step one for creating a payroll system: make sure it works. That's where we seemed to have lost the University of California. After four years of delays and mishaps, you would be forgiven for thinking the worst was over for the UC Payroll, Academic Personnel, Timekeeping and Human Resources. The University has touted UCPATH for years as an efficient, centralized payment system that could greatly reduce spending. But seven years after its initiative began, the University outdid itself: UCPATH jeopardized hundreds of students' and workers' livelihoods by failing to pay them for almost two months.

The UC's game of payroll limbo follows a history of botchery. In 2015, just four years after the project began, the UC announced delays to the system's launch would cause an increase in initial costs by \$45 million. The state released an audit in August of 2017 claiming the implementation of UCPATH would cost \$942 million, rather than the UC's estimated \$504 million. And before system rollout at UCLA in December 2017, the University announced another delay to allow for more testing.

The testing didn't seem to help much. Two months after UCPATH finally launched in Westwood, a number of UCLA employees – including teaching assistants, graders and tutors – reported missing or incorrect payments. This ought to be the final straw for the University's mishandling of UCPATH. While previous mishaps in the implementation of UCPATH were localized to just straining the UC's budget, the latest error has directly impacted the lives of students and workers...

Full editorial at <http://dailybruin.com/2018/11/18/editorial-ucpath-needs-to-pave-a-smoother-road-for-university-employees/>

UCLA History: View from Royce

Tuesday, November 20, 2018



The view from the steps of Royce Hall in 1930

PS: Yours truly has one remaining piece of the November Regents meeting to post: the Investments Subcommittee session of last Tuesday. It will be done soon.

9 biggest donations to universities

Wednesday, November 21, 2018



A UC campus landed one of the nine. You'll have to click through to find out which at:
<https://www.investmentnews.com/gallery/20181119/FREE/111909998/PH/9-biggest-donations-to-universities>

UCLA History: Thanks for the Free Parking...

Thursday, November 22, 2018



...back in the 1930s, anyway.

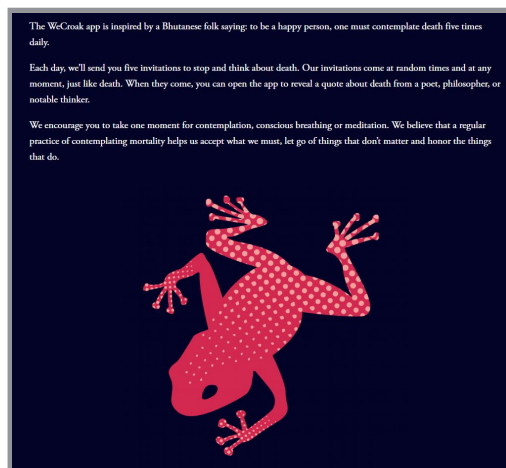
And here is the requisite annual op ed from the NY Times explaining that Thanksgiving didn't happen "the-way-you-were-taught":

<https://www.nytimes.com/2018/11/21/opinion/thanksgiving-pilgrims-puritans-democracy-.html>



But then again, you probably weren't taught "the-way-you-were-taught" unless you are as old as yours truly (in which case you probably don't remember).

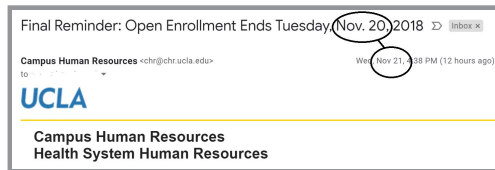
To put it all in perspective, we can suggest the "we croak" app for your phone which reminds you five times a day that you will die:



Just go to <https://www.wecroak.com/> to download for iPhone and Android. No need to thank me for the tip.

Timing is Everything

Thursday, November 22, 2018



But thanks anyway.

UCLA History: Overgrown Rock

Friday, November 23, 2018



By the 1930s, Founders' Rock had become rather overgrown. (It was cleaned up and moved in the 1940s to a less conspicuous location where it sits today between the Law School and Murphy Hall (on the Murphy side).



Listen to the Regents Investments Subcommittee Meeting of Nov. 13, ...

Saturday, November 24, 2018



We are finally catching up with the Regents meeting of Nov. 13-15 with the Investments Subcommittee of Nov. 13. There is discussion (although not in this session), by the way, of making this subcommittee into a full-fledged committee and giving it some authority to approve related salaries, etc.

The purpose of these meetings, one supposes, is to demonstrate due diligence and responsibility of the Regents for the various funds under UC management. During periods in which market returns are strong, there is a report of the happy news. During periods in which there are market difficulties, there is much talk about risk, taking the long view, patience, holding down administrative costs, creative steps to reduce excess liquidity so as to obtain higher returns, public equities vs. private and how to decide how much to put into the latter, etc.



As the S&P 500 chart suggests, this meeting took place in a difficult period. Things were booming along until the start of 2018. Thereafter, problems arose. So the meeting reflected that development.

On the other hand, there was no explicit discussion of the recent bad PR received by the Office of the Chief Investment Officer that we have noted in prior posts:

<http://uclafacultyassociation.blogspot.com/2018/09/dirty-laundry-at-uc-investment-office.html>

You can hear the audio of the meeting at the link below:

or direct to:

<https://archive.org/details/InvestmentsSubcom11132018>

We are not quite done with the Regents in 2018. There will be an off-cycle meeting of the health committee on Dec. 11 (which we will duly preserve).

Harvard Admissions - Part 16

Sunday, November 25, 2018



What next for Harvard's affirmative action case? It's complicated

By Deirdre Fernandes, Boston Globe, Nov. 24, 2018

All sides have prepared for the Harvard University admissions case to land in front of the Supreme Court, with the justices ultimately weighing in on the future of affirmative action for the next generation of college students. But it may not be that simple.

Several legal experts say it's possible that the justices may give the case a pass, given the complexity of the arguments, the racially tense climate of the country, and the fact that they've grappled with the issue as recently as 2016.

"This is a complicated case at a particularly fraught moment," said Rachel Moran, the former dean of the University of California Los Angeles School of Law. "It's a messy case. It's a very, very important case. I wouldn't say the path to the Supreme Court is uncomplicated or unswerving."

The groundbreaking trial, which recently concluded in Boston federal court, has raised questions about discrimination, bias, and diversity in college admissions with broad implications not just for Harvard, but higher education generally. The case seems poised to test the Supreme Court's commitment to affirmative action in higher education. But unlike previous such legal challenges that focused on public colleges, this one contests the independence of a private institution to set its own mission and standards for admissions. The case also follows recent affirmative action decisions and comes at a time when the country's politics and culture are increasingly frayed along racial lines, Moran said.

The court may want to take a breather, she said.

But the recent appointments by President Trump of Neil Gorsuch and Brett Kavanaugh to the Supreme Court may change that calculus, other experts said.

Conservatives have solidified power on the court and may be primed to end or further limit the use of race in college admissions, said Theodore Shaw, the director of the Center for Civil Rights at the University of North Carolina Chapel Hill.

"It has a greater chance . . . because the court has changed," Shaw said.

A potential Supreme Court battle is still a few years away, and opponents of affirmative action have other cases in the pipeline, ensuring that the issue will remain on the legal forefront.

Students for Fair Admissions, the group that accused Harvard of discriminating against Asian-American applicants, has also sued the University of North Carolina Chapel Hill, alleging that its use of race in admissions penalizes Asian-American and white students. That case is still in the discovery stage.

This fall, the Justice Department launched an investigation into whether Yale University unlawfully discriminates against Asian-American applicants based on race.

And earlier this month, Richard Sander, a professor at the University of California Los Angeles School of Law, and the nonprofit Asian American Community Services Center, filed a state lawsuit demanding undergraduate enrollment and admissions data from the California university system. Sander and George Shen, the president of the Asian American Community Services Center, have raised questions about whether the university system is abiding by the California voter-approved ban on the use of affirmative action in admissions.

For now though, the focus is on Allison Burroughs, the Boston federal district court judge who will review hours of testimony and reams of data to determine whether Harvard's admissions policy harms Asian-Americans applicants, and if so, what is the appropriate remedy.

The earliest Burroughs could rule is this spring. She will play a crucial role by establishing the central facts of the case, laying the framework for future appeals.

"There's a lot of evidence. It was a long trial," said Angela Onwuachi-Willig, the dean of Boston University School of Law. "Given the import of the decision . . . the district court judge is going to want to be very, very careful."

Students for Fair Admissions claims that the university discriminates against Asian-American applicants and is seeking to end affirmative action in college admissions.

Over the three-week trial, the organization, founded by conservative activist Edward Blum, argued that Asian-Americans, despite their higher academic achievements and their strong extracurricular participation, received lower personal scores on character traits such as courage and leadership from Harvard's admissions officials. Those personal scores are crucial to gaining admission to Harvard, where more than 42,000 of the country's brightest high school seniors compete for just 1,600 seats every year. The personal scores are subjective and tinged with implicit racial bias, Students for Fair Admissions alleged.

Harvard denies that it discriminates against Asian-Americans.

Harvard's top brass, from its former president to its longtime dean of admissions, took the stand to stress that the university's evaluation system is nuanced, complex, and designed to ensure a diverse campus that benefits all students. Harvard contends that Students for Fair Admissions cherry-picked data and that its analysis of the university's admissions process is flawed.

The lawsuit is unusual. Previous affirmative action cases have claimed that white applicants were at a disadvantage, and they have involved public colleges. Generally, private institutions have more leeway to set their missions, diversity goals, and standards

for applicants.

In addition, Students for Fair Admissions spent much of the trial suggesting that implicit or unconscious bias is at play in the process. Harvard's admissions officers may be stereotyping Asian-American students, evaluating them as quiet, bookish, and less appealing than white, black, or Hispanic applicants, Students for Fair Admissions alleged.

"When you have a subjective process and we know that bias is possible, bias around race, bias around gender, the fact that Asian-American applicants face a statistically significant penalty on the subjective personal rating year after year is pretty strong evidence that bias has crept into, leaked into the system," John Hughes, an attorney for Students for Fair Admissions said in his closing statement. "We don't have to prove racist cabal."

But showing intent has been key in discrimination cases in the past and unconscious bias remains a fairly new standard, legal experts said.

"All courts have been very narrow in looking at nonconscious bias," Onwuachi-Willig said. "If the court finds implicit bias is enough . . . it would change antidiscrimination law."

Still, the fact that Asian-Americans as a group receive lower personal scores remains an open issue in the case and could help Students for Fair Admissions, said Vikram David Amar, dean of University of Illinois College of Law.

"If we were back in the 1950s, if African-American and Jews were getting low personal scores as a group . . . I think we would have said, 'Wait a second, what's going on?'" Amar said.

If Burroughs finds that Harvard's admissions process is hurting Asian-American applicants, the solution doesn't necessarily have to be race-neutral admissions, as Students for Fair Admissions has urged, Amar said.

Burroughs could suggest remedies, such as more training for admissions officers or tweaks to the process that would address any potential bias, he said.

Whether that would satisfy Harvard or Students for Fair Admissions is uncertain. Both sides have indicated that they are likely to appeal Burroughs's ruling if they lose.

How those appeals play out could also determine whether the Supreme Court steps in, Amar said.

Supreme Court rulings on affirmative action in college admissions have traditionally been few and far between.

*In 1978, the court declared that affirmative action was constitutional but barred quotas in the Bakke decision involving the **University of California** system.*

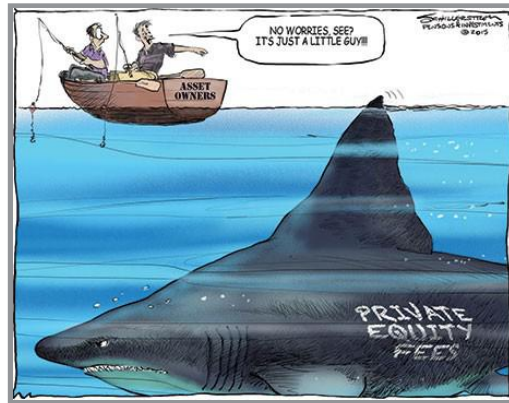
In 2003, the court upheld affirmative action in a 5-4 vote in a case over the University of Michigan's admissions practices. The court didn't take up the issue again until it considered the University of Texas Austin's admissions policy in 2013 and more fully in 2016, deciding 4-3 that colleges could use race as one factor in considering applicants and creating a diverse student body.

"It doesn't seem that the Supreme Court has a history of taking these cases frequently," Amar said. "But maybe Kavanaugh and Gorsuch have a different attitude."

Source: <https://www.bostonglobe.com/metro/2018/11/24/what-next-for-harvard-affirmative-action-case-complicated/LLt2yAxbXJDEqKJQ5dkx9O/story.html>

Private

Monday, November 26, 2018



In Saturday's post about the meeting on Nov. 13 of the Regents' Investment Subcommittee, we noted that there was significant discussion of private equity vs. public. Today, [Calpensions.com](https://calpensions.com) publishes a piece about the same topic in the context of CalPERS. CalPERS, unlike UC, has had scandals related to private equity (and prison sentences). Part of the problem has been potentially high administrative costs of private equity investments. The theme of the [Calpensions.com](https://calpensions.com) article is that nowadays, CalPERS has more transparency about what it does in the private equity field than it did in the days of scandal.

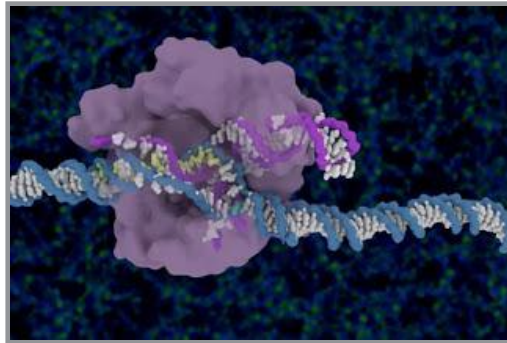
One has the sense that the private equity topic arose at the Nov. 13 meeting because those in the pension world, whether at CalPERS or UCRP, are under ongoing pressure to earn 7+ percent returns - the rate assumed in the plans - but believe that 6+ percent is more likely. The world of California public pensions, while big in dollars, is not so large in terms of the number of decision makers who make investment choices. What gets discussed at CalPERS and about CalPERS gets discussed by UC's pension and investment managers.

The [Calpensions.com](https://calpensions.com) article is at:

<https://calpensions.com/2018/11/26/calpers-plans-new-way-to-invest-in-private-equity/>

Things to Come May Be Here

Tuesday, November 27, 2018



From time to time, this blog has carried stories about the litigation involving UC and UC-Berkeley in the US and abroad on patent rights to CRISPR, a gene-editing technique, most recently on Oct. 31.*

It appears that the recent flurry of stories about an alleged use of gene editing in China to produce "designer babies" involves CRISPR. From NPR:

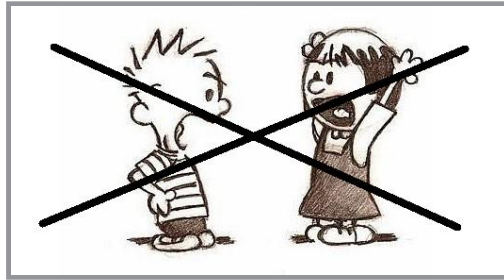
For the first time, a scientist claims to have used a powerful new gene-editing technique to create genetically modified human babies. The scientist, He Jiankui of the Southern University of Science and Technology in Shenzhen, China, says he used human embryos modified with the gene-editing technique CRISPR to create twin girls. "Two beautiful little Chinese girls name Lulu and Nana came crying into the world as healthy as any other babies a few weeks ago," He says in a video posted online. "The babies are home now with their mom Grace and their dad Mark." He says his team performed "gene surgery" on embryos created from their parents' sperm and eggs to protect the children from the human immunodeficiency virus, HIV, which causes AIDS. The children's father is HIV-positive... Because the research has not yet been published in a scientific journal or carefully vetted by other scientists, many researchers and bioethicists remain cautious about the claim.. . Full story at <https://www.npr.org/sections/health-shots/2018/11/26/670752865/chinese-scientist-says-hes-first-to-genetically-edit-babies>

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* <http://uclafacultyassociation.blogspot.com/2018/10/patent-awarded-for-dna-targeting.html>

Civil Berkeley

Wednesday, November 28, 2018



From Inside Higher Ed: *Last year, the University of California, Berkeley, campus literally erupted in flames as a planned speech by conservative provocateur Milo Yiannopoulos devolved into violence: stones and fireworks were hurled at police, windows were shattered, riots turned injurious. Though the destruction then came from off-campus groups, for the next few months, highly public battles around free expression were waged at the birthplace of the Free Speech Movement.*

...But more than a year later, the Berkeley campus is seemingly free of such drama. It has hosted controversial right-wing figures such as TurningPoint USA leaders Charlie Kirk and Candace Owens, commentator Heather Mac Donald and talk-radio host Dennis Prager with little incident. Students and administrators credit the change in part to the intent of the speakers coming to the university: not to rile up the student body, but instead to engage in discussion. The speakers voiced conservative views but did not insult Berkeley students or groups of students, as others had previously.

This follows two shifts on campus. Most recently, the university's free speech policies were revised, after being vetted by a university commission. And new student groups were founded intent on promoting "civil dialogue"...

The main change in the rules (on an interim basis) is designed to cut down on potential disruptions. The West Crescent area of the Berkeley campus will essentially serve as a space where large-scale protests can be held at any time. It is now exempt from the institution's major events policy, which requires advance notice to plan events, among other stipulations...

Full story at <https://www.insidehighered.com/news/2018/11/28/new-policies-student-groups-change-culture-free-speech-berkeley>

Flood

Thursday, November 29, 2018



It could have been worse. From this morning's Bruin: Students and administration officials found Murphy Hall flooded Thursday morning due to heavy rainfall. The flood at Murphy Hall started around 8 a.m., according to UCLA Facilities Management. Some campus services experienced interruptions due to the flooding.

The financial aid office temporarily relocated across the hall as plumbers worked to handle the flood. The registrar's office also experienced a closure, but was fully open by 10 a.m.

Nurit Katz, executive officer of Facilities Management, said that clogged roof drains caused the air conditioning pipes to malfunction and flood the offices.

The Fernald Child Study Center and the Center for the Health Sciences also experienced flooding, Katz said...

Full story at <http://dailybruin.com/2018/11/29/rain-causes-flooding-in-murphy-hall-disrupts-services-temporarily/>

Unrelated/Related Saving

Friday, November 30, 2018



UC, like other public entities in California, offers a variety of voluntary and mandatory retirement saving plans to employees of both the defined benefit and defined contribution variety.

Problems in pension funding for the public defined-benefit pension plans have led to a continuing political drumbeat to abolish such plans, cut them back, etc. Although many of the issues don't apply to UC, it tends to be caught up in general state political trends.

One argument made against public pensions is that many private employees have no retirement plans of any type at all. To deflect such criticism, the legislature has created a new state retirement program for almost all private employees. It will soon begin on a voluntary basis and later become a mandate. You can read about it in the item below. Basically, the plan simply will require private employers without their own plans to join the state system. But the plan is employee-funded and employers are not responsible for results, administrative costs, etc. Individual employees default into the plan but can opt out at any time.

Whether the new plan will have the intended political effect - including on UCRS - is, of course, unknown at this early date.

From the Sacramento Bee: *A new state-sponsored savings plan let Lorenzo Harris offer his workers something he's long wanted to give them: A way to sock away money for retirement.*

"This program will help us compete in the marketplace," said Harris, who has led Janico Building Services of North Highlands for the past 33 years.

His company is the first in the state to enroll in CalSavers, a program that will become mandatory over the next few years for private-sector businesses that are not already offering their own retirement savings plans.

Harris embraced CalSavers by signing up for its testing phase. Over the next six months, his is one of the companies that will help the state work out flaws as it prepares for a

wider launch on July 1, 2019. CalSavers is recruiting more companies for the pilot phase. When it's fully running, CalSavers will automatically deduct 5 percent of wages from worker paychecks to build long-term savings accounts for them. Workers' keep the savings when they change jobs...

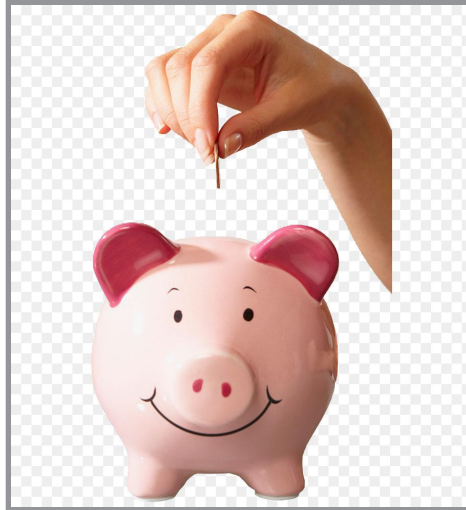
Full story at <https://www.sacbee.com/news/politics-government/capitol-alert/article222400780.html>

Website of CalSavers: <https://www.treasurer.ca.gov/scib/>

And more on saving...

Friday, November 30, 2018

Cautionary notice being circulated by UC benefit authorities:



We want to make you aware of unauthorized solicitations being sent to UC employees at several campuses [including ours]. These emails are intentionally misleading and suggest that UC is endorsing their services – we are NOT.

UC contracts exclusively with Fidelity Investments for all financial education and guidance services. This dedicated team is well-versed in UC retirement benefits and can meet with faculty and staff onsite. Anyone interested in having a one-on-one consultation with an approved UC-dedicated retirement planner can make an appointment at myUCretirement.com.

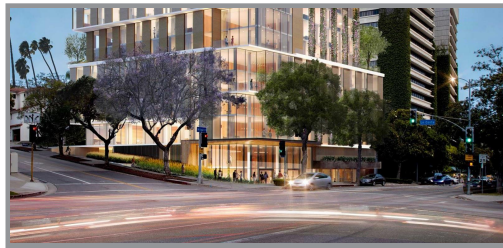
Thank you for helping to protect the financial security of our people. Here is the suspicious solicitation:

Employee [redacted], Each year, as an employee of University of California, you are eligible to sit down one-on-one with a representative for answers to your specific state, federal and individual retirement benefit questions. Receive complimentary information that tells you:

- 1. What your expected income will be from CalSTRS/CalPERS when you retire.*
- 2. How much longer you will have to work.*
- 3. How you can save more money for retirement, without affecting your take home pay.*
- 4. Learn which 401(a) options have Guaranteed income when you retire. Daytime appointments fill up quickly. To secure your spot, click the link below, or simply reply "yes" to this email. [redacted] All licensed representatives are not employees of the college or CalSTRS/CalPERS. To be taken off future mailings, please respond to this email by clicking the following link: [redacted]=====We might add that the email is immediately suspicious since it refers to CalSTRS/CalPERS rather than UCRS. And it goes without saying that you should never click on links in suspicious emails, even to links that promise to remove you from future mailings.*

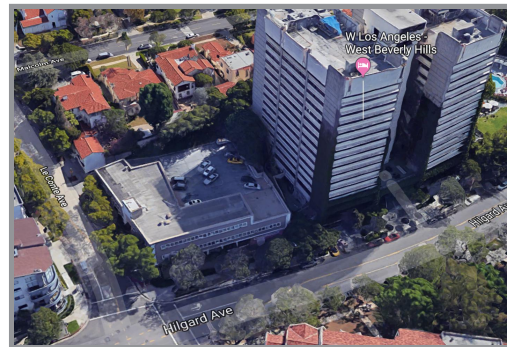
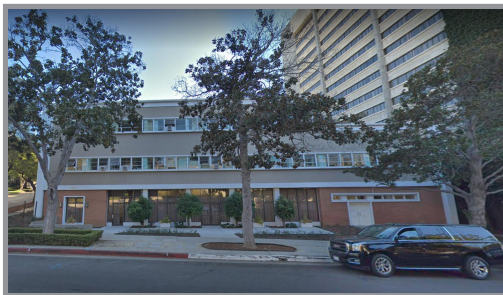
Private Student Housing Complex

Saturday, December 01, 2018



Proposed complex The Bruin and Urbanize Los Angeles* are reporting on a plan to build a 16-story apartment complex aimed at the student market next to the W Hotel in Westwood. It might be noted that the W Hotel building - if yours truly's memory is correct - was originally built as a private student housing complex, but apparently failed as a commercial venture. Up the street on Tiverton Avenue, what is now the Vintage Westwood Horizons senior facility was also originally a failed private student housing venture.

The site is at the corner of Le Conte and Hilgard, currently the home of a smaller 3-story building as shown below.



Current site (900 Hilgard Avenue) From the Bruin:

Two physicians are planning to build a new apartment complex for UCLA students in Westwood. The plan for the new apartment complex, which would be built on Hilgard Avenue, was filed with the Los Angeles Department of City Planning on Nov. 19. The developers' plan for the 16-story building, referred in the plan as The Agora, to have a total of 231 bedrooms spread over 64 residential units, varying in size from three-bedroom to five-bedroom plans in addition to some single- and double-bedroom units. Eraj Basseri, a UCLA graduate and co-principal developer of The Agora, said the housing project was designed to address the lack of affordable student housing in Westwood. "We are designing and programming The Agora to appeal to students, as there is a tremendous shortage of affordable student housing in Westwood," Basseri said. "We expect students will seek out The Agora once it opens, so it is likely that only students will live there." Both Basseri and Ted Khalili, another co-principal developer of the project, said they introduced this project to help improve the living experience for college students in Westwood. They said they plan to provide open study spaces and communal lounges... Susan Reuben, vice president of the Holmby Hills Homeowners Association, said the association likely will oppose the construction of The Agora

because of its proximity to the Holmby Hills community. She said Holmby Hills residents pay high taxes for privacy and a peaceful lifestyle, and that she thinks the influx of students into The Agora would disrupt that environment... Full story at <http://dailybruin.com/2018/11/30/plans-for-the-agora-housing-development-filed-with-city-planning-department/> === * <https://urbanize.la/post/16-story-student-housing-community-proposed-near-ucla>

UCLA History: Behind Royce

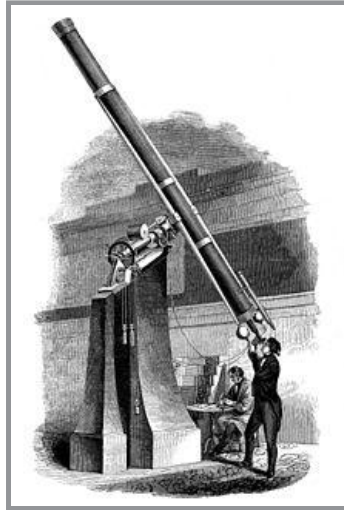
Sunday, December 02, 2018



A rear view of Royce Hall in 1930 from where the Fowler Museum and the Anderson School now stand.

TMT project earns another victory

Monday, December 03, 2018



Update on Hawaiian telescope in which UC is a partner. *The (Hawaiian) state Supreme Court's decision to uphold the construction permit for the Thirty Meter Telescope will stand. The high court filed an order Thursday afternoon denying motions for reconsideration from project opponents, a month after it ruled 4-1 in favor of granting the permit to build on Maunakea...As for a timeline for when construction could resume, he said that would roughly take "at least several months." Some opponents of the project have said they plan to try to block construction. Protesters, who called themselves "protectors," repeatedly blocked construction vehicles in 2015 before the high court overturned the permit because of due process issues... Full story at <http://www.westhawaii.com/2018/12/01/hawaii-news/tmt-project-earns-another-victory/>*

(Some) Regents Are Coming

Monday, December 03, 2018



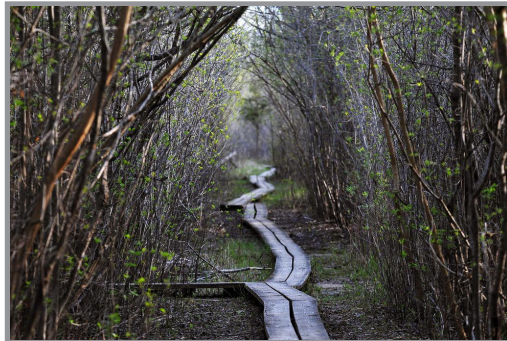
The Regents Health Services Committee will be having its off-cycle meeting on Dec. 11 on the UCLA campus. Its agenda is now available, as shown below. And, no, I don't know what the "disruptive behavior" item is about. We'll find out.

- *Public Comment Period*
- *Action: Approval of the Minutes of the Meeting of October 9, 2018*
- *H2: Discussion Remarks of the Executive Vice President – UC Health*
- *H3: Action Approval of Appointment of and Compensation for Chief Operating Officer, UC Irvine Health System, Irvine Campus as Discussed in Closed Session*
- *H4: Discussion Working Together: Conduct Expectations in Healthcare Settings and Initiatives to Prevent and Address Disruptive Behavior*
- *H5: Discussion UC San Diego Health Affiliation with El Centro Regional Medical Center: Impact on Quality and Branding, San Diego Campus*
- *H6: Discussion Perspectives on the Role of Network Expansion in Supporting the University's Academic Mission and Affiliation Principles*
- *H7: Action Amendment of Regents Policy 3401 – Policy on Student Health and Counseling Centers*
- *H8: Action UC Health Capital Financial Plan*

Source: <https://regents.universityofcalifornia.edu/regmeet/dec18/hs.pdf>

Some paths lead to trouble...

Monday, December 03, 2018



...especially UC Path:

THE STATE WORKER of Sacramento Bee

Faulty payroll system leaves hundreds of University of California employees without checks

BY ANDREW SHEELER, December 03, 2018

Hundreds of University of California employees, including graduate and undergraduate students, have reported either missed or miscalculated paychecks since UC rolled out a new payroll system earlier this year.

Two organizations — the UC Student Association (UCSA) and the UC Student-Workers Union — are demanding that the university pay what it owes, as well as restitution for those employees affected by late fees or other financial repercussions resulting from not getting paid on time. The UCSA is a coalition of student government leaders from across the UC system.

"I have had friends who have had to look into emergency loan services in order to pay their student fees and not get dropped from all their classes," said Jamie Kennerk, a student government vice president at UCLA and a UCSA board member.

UCLA and UC Santa Barbara were the most recent additions to the UCPath payroll system, which was created to replace aging payroll technology and to consolidate all 11 UC campuses under one system.

UCPath, which has been in the works since 2011, has been phased into place over the last three years; beginning with the office of the president in December of 2015, UC Riverside, UC Merced and the Associated Students of UCLA in January of this year. UCSB and the rest of UCLA joined this fall.

About 77,000 UC system employees — including both staff and student positions — are covered by UCPath, according to UC Associate Vice President of Operations Mark Cianca.

That's about one third of the system's 230,000 employees. The remainder are expected to be covered by UC Path by the end of 2019.

"We're replacing a 35-year-old legacy payroll system that's been around since before half the staff were born," Cianca said.

But the new system's rollout has been troubled.

By 2015, the project was \$50 million over budget and two years behind schedule, according to previous reporting by The Sacramento Bee. By 2017, the project cost had tripled.

When it launched in January 2018, undergraduate and graduate students reported "numerous problems with the new system," according to a letter that the UCSA presented to the UC Board of Regents and UC President Janet Napolitano.

"Reports by graduate students from UC Riverside indicate that on many occasions students received late checks or no checks at all until they reported issues, and students at UC Merced have experienced these same issues," the letter stated. "Some students indicated they received incorrect payment amounts, while others received incorrect deductions from their paychecks."

The same problem was reported by employees of UCSB and UCLA, which prompted university administration officials to acknowledge that the conversion was not flawless.

Cianca said that the new payroll system's accuracy is 99 percent, "plus or minus a percent," but conceded that many of those affected, including at least 150 UCLA students, are "a pretty vulnerable population."*

In the fall, graduate students are coming off of months of no academic income, which Cianca called a "pay desert."

Cianca said the errors emerged as a result of human error during the conversion process.

"It's a period we expect we're going to have extra problems. We staff for it," he said. "I do want to make it really clear: Everybody gets paid."

Kennerk said that while university administration officials have acknowledged the failures of the new system, she would like to see those officials "understand the urgency of getting people paid correctly."

"You should never accept those errors. It should always be unacceptable to not pay people correctly," she said.

Kennerk also said that the university officials are undercounting those affected.

Cianca said it is difficult to say how many employees were affected by payroll errors, but as of two weeks ago he believed about 20 grad students at UCSB and 150 at UCLA had experienced problems. He said he didn't have numbers for Merced or Riverside.

"I want to acknowledge, it's a big deal," he said.

If the responses received by UCSA and the Student-Workers Union are any indicator, it could be a bigger deal than Cianca knows.

Kennerk said around 370 people have filled out an online survey form stating they were affected by the payroll issues, and the organizations were working on ways to reach out to them.

"It's been very difficult for us to collect full numbers," she said.

The UCSA wants the UC system provide restitution for late fees and other financial repercussions resulting from missed paychecks.

The UC system is researching whether that is possible.

"In any case, we're taking a closer look at UC guidelines to see what we can do to help with late fees, etc.," said UC spokeswoman Claire Doan.

One option, which both Cianca and Kennerk promoted, was the use of university-issued cash cards to provide students with their pay in the event of a missed paycheck.

Cianca said that in the event of a missed payment, "we can run payroll that day for whoever needs a check."

The challenge is letting students know that's an option. Both Cianca and Kennerk said the university needs to do a better job of outreach to students, coordinating better with university department heads, whom Cianca said students often view "as the center of their universe."

"We collectively missed the mark (on student outreach)," Cianca said.

Source: <https://www.sacbee.com/news/politics-government/the-state-worker/article222468555.html>

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*99% + 1% = 100%, a figure that seems excluded by this article. Just saying.

Admissions is not the only Harvard litigation issue

Tuesday, December 04, 2018



A group of U.S. fraternities and sororities on Monday sued Harvard University, saying its crackdown on single-sex clubs amounted to sexual discrimination. In lawsuits filed in federal and state courts in Boston, the group challenged a policy that the Ivy League university adopted in 2016 and began enforcing this academic year that Harvard said was intended to end longstanding practices of exclusion at the elite school. Harvard has long sought to stamp out single-sex clubs, which it stopped formally recognizing in 1984. But groups known as “final clubs,” informal social clubs a student joins before graduating, as well as some fraternities and sororities have continued to operate off campus.

Under the policy, students who join single-sex clubs may not serve as captains of sports teams or leaders of officially recognized student clubs and cannot receive endorsement letters from college deans for postgraduate fellowships. The Cambridge, Massachusetts, university was discriminating against students on the basis of their sex by punishing men and women who join all-male or all female-organizations, the lawsuits alleged...

Full story at <https://www.reuters.com/article/us-harvard-lawsuit/fraternities-sororities-sue-harvard-over-single-sex-club-crackdown-idUSKBN1O228L>

When everyone claims victory, I wonder

Tuesday, December 04, 2018



UC Berkeley settles lawsuit alleging events policy discriminated against conservative speakers

By Alejandra Reyes-Velarde | Dec. 3, 2018 | [LA Times](#)

UC Berkeley is changing its campus events policy as part of a settlement following allegations that the university discriminated against conservative speakers.

The Young America's Foundation sued the university in April 2017, alleging the campus used "secret" policies to quash the free speech rights of conservative speakers — including moving speeches to unpopular dates and times — while giving preferential treatment to more liberal guests.

A federal judge dismissed the initial suit, and the organization filed an amended complaint in conjunction with a student group, the Berkeley College Republicans.

The claims stemmed from a series of high-profile conservative speakers who canceled appearances following violent demonstrations by far-left protesters on campus.

In February 2017, a planned event featuring right-wing provocateur Milo Yiannopoulos was shut down by angry protests, fueling a free speech debate on college campuses.

The controversy continued in April, when conservative commentator Ann Coulter pulled out of a planned event at UC Berkeley. Coulter had been invited by student groups to speak on immigration policy as a counterpoint to a Clinton administration advisor. The address became a rallying point for conservative groups when administrators first canceled Coulter's visit, then rescheduled it to an unpopular date, citing unspecified threats of violence.

Coulter had pledged to show up to the rescheduled event anyway, even contemplating an outdoor address. But she discarded that idea in the face of continued threats, the

university's refusal to find her a building for her speech and the withdrawal of sponsors.

As part of the settlement, UC Berkeley is now clarifying several points in its event policy, including adding language to determine what constitutes a major campus event. The approval process for promotional materials also has been altered and the term "complexity" was removed as a criterion for major events — although the university said that specification was never actually applied to an event on campus, university spokesman Dan Mogulof said.

Many of the changes reiterate the existing policy, Mogulof said, and the university denies any discrimination existed.

"One would be hard-pressed to find any changes that would result in a change to how we support our student groups."

A fee schedule for security costs to student organizations will be made public. The cost of additional security needed because of excessive disruptions will continue to be paid by the university, Mogulof said.

"We are gratified that our major event policy has been validated," Mogulof said. "During the spring semester and the current semester, it has been that very policy that has enabled the campus to work effectively with the Berkeley College Republicans as they hosted numerous events featuring prominent conservative speakers without incident or interruption."

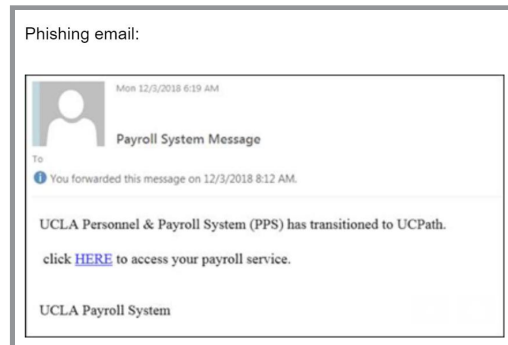
The university also will pay \$70,000 in expenses incurred by the Young America's Foundation during the nearly two-year legal battle.*The Young America's Foundation said it was pleased with the settlement, saying it eliminates the campus' "heckler's veto," which allowed protesters to shut down events, and its "high-profile speaker policy."*

"This landmark victory for free expression means UC Berkeley can no longer wantonly treat conservative students as second-class members of its community while ignoring the guaranteed protections of the First Amendment," the organization said in a statement.

Source: <https://www.latimes.com/local/lanow/la-me-ln-uc-berkeley-settlement-20181203-story.html>

Fake UCPath Email

Tuesday, December 04, 2018



If you got one of these messages, just delete it. If you got one and responded, you have a problem:

If any credentials were entered in the fake SSO page, users will need to reach out to BOL (consult@ucla.edu) and have their UCLA Logon credentials changed ASAP. Alternatively, they could also visit the self-service UCLA Logon portal at <https://accounts.iam.ucla.edu> to reset their credentials.

UCLA History: Kerckhoff

Wednesday, December 05, 2018



The 1931 dedication ceremony for Kerckhoff Hall

PWB at UCLA

Wednesday, December 05, 2018



12-5-18 (email) To the Campus Community: On Friday evening, an African-American student resident of University Apartments South (UAS) was stopped by an employee and questioned about her presence there. The student resident had violated no rules and was, in fact, doing what every resident of UAS should be able to do without suspicion – parking her car and entering her home. Because of this, the student was justifiably angry. I too am upset. No member of our community should ever be made to feel unwelcome or uncomfortable, especially where they live. Across the nation, from barbecues to shopping malls, we have seen incidents of Black people scrutinized, questioned and treated as if they have no right to be in their own space or share the public space to which we all are equally entitled. This is unacceptable. Anti-Black bias, like all identity-based biases, is dehumanizing, hurtful and has no place at UCLA. It is the university's responsibility to make sure that every staff member, student and faculty member understands that no one in our community should have to justify their presence or be made to feel unwelcome because of the color of their skin or their ethnic background. This incident has demonstrated that the university must do a better job of reinforcing that message and providing training designed to deter racial profiling and unfair treatment. We can and must do better. Not only will we expand the anti-bias training provided to all of our employees who interact with residents of university housing, including the employee in question, we will also modify staffing structures and improve student services that will better allow us to create a community in our residential facilities where all are seen, valued and respected. Our anti-discrimination policies and practices must always be evaluated with an eye toward improvement. We also remain committed to providing support and resources to anyone who may experience an act of discrimination. If you encounter such acts, please report the incidents to the UCLA Office of Equity, Diversity and Inclusion. Sadly, institutions, like individuals, cannot prevent every instance of insensitivity. But, like individuals, when institutions make mistakes, when we fail those whom we care about, we need to face up to our responsibility and do better. Sincerely,
Gene D. Block Chancellor ===== Note: Some blog readers may recall the UCLA/Judge Cunningham affair. If not: <https://uclafacultyassociation.blogspot.com/2014/07/press-release-on-judge-cunningham-case.html>

December Forecast

Thursday, December 06, 2018



We like to show on a quarterly basis a photo from the UCLA Anderson Forecast just to remind folks that there are lots of auditoriums on campus for such events and that spending vast sums on a Grand Hotel was never a priority. The December Forecast took place yesterday in Korn Hall at the Anderson School. With that point made (once again), it's worth noting what the Forecast had to say.

Basically, at the national level, it has the economy slowing in a 3%, 2%, 1% pattern, i.e., national real GDP grows around 3% this year, 2% next year, and 1% the year after. Of course, it won't work out exactly like that. But slowing means that the risk of an actual downturn rises over time, as outgoing Governor Jerry Brown likes to point out. California would not escape the consequences, budgetary and otherwise, of such an outcome, nor would UC.

Already, Governor-Elect Newsom is signaling a scaling back of expectations:

California lawmakers had been in session for just 24 hours by midday Tuesday, and majority Democrats had already proposed tens of billions of dollars in new state spending. As Gov.-elect Gavin Newsom made the rounds at the Capitol, he had a message for them: No.

"All of this will be whittled down and we all will live within our means," he told The Sacramento Bee as he left a meeting with Senate President Pro Tem Toni Atkins. "We're not going to deviate from being fiscally prudent."

Full story at <https://www.modbee.com/latest-news/article222632860.html>

A summary of the Forecast is at:

<http://www.anderson.ucla.edu/lib/email/MARCOM/2018/PR-2018-forecast-dec.html>

There was a lot of attention at the Forecast to the stock market and its recent "volatility." As such, you may have seen the headlines in the LA Times yesterday, particularly the one about a "wave of selling":



Yours truly cannot resist pointing out that every stock that is sold is a stock that is bought. (How do you sell without a buyer?) So the headline could just as well have been "Wave of BUYING Swamps Wall Street." Put another way, saying the market went down because everyone was selling carries no information. At best, the headline might have read "Market Consensus Stock Price Fell." Just saying...

His Last Hurrah

Thursday, December 06, 2018



Jerry Brown's push to get the California Supreme Court to review the "California Rule" on public pensions could ultimately affect UC, probably not in a good way.

Jerry Brown's last stand on pension reform

By Judy Lin | Dec. 5, 2018 | CALmatters

<https://calmatters.org/articles/jerry-brown-pension-reform-supreme-court-unions/>

Six years ago, as California strained to emerge from the Great Recession, Gov. Jerry Brown worked a minor political miracle—a rebalancing of the massive state pension systems for public employees.

Shuttling between unions and the strapped governments on the hook for public sector benefits and paychecks, Brown scaled back some of the rules and perks that have made public sector workers more secure, arguing that the pain would be worth it. Results were mixed: The largest benefit rollback in state history yielded some savings, but not enough to entirely fix a pension commitment that taxpayers are increasingly finding hard to manage.

Now, as Brown prepares to leave office—his own pension at hand, after five decades in public service—even that hard-won modicum of fiscal change could be loosened. In a case that went to oral arguments this week, the California Supreme Court is weighing a key legal precedent that could restore the generous pension formulas Brown worked so hard to tighten.

Brown, who at 80 has already surpassed the average retirement age of state workers by 22 years, predicts that he'll win. But Wednesday's proceedings made it clear that workers' arguments are also compelling.

Whatever the ruling, Brown's successor, Gavin Newsom, will have to cope with the outcome. And—though the state's unfunded liabilities persist, and economists warn another recession could be just around the corner—Newsom will face a very different political landscape. Should California land in another downturn, Brown's pension reform miracle could be difficult, if not impossible, to repeat.

The case heard by the high court today involves the California Rule, a legal precedent that requires the state to compensate public employees if their retirement benefits are lessened. In a challenge brought by Cal Fire Local 2881, the firefighters union argues that the ability to purchase additional years of service credit toward retirement, known as “airtime,” is a pension benefit that employees rely on as part of their decision to go into public service.

Brown’s attorneys counter that airtime was never intended by the Legislature to be a vested right and never negotiated through collective bargaining. Therefore, the state can take it away.

Everyone agrees that workers are entitled to the pensions they earn for work that’s already been done. And the argument might seem to be over a procedural technicality on the surface.

But if the court sides with Brown, it could open the possibility of future governors and legislatures modifying current employees’ pensions for prospective work, and perhaps setting a new precedent in which already negotiated benefits are fair game. If the court sides with the union, it would bind the state’s finances and commit taxpayers to paying already expensive retirement benefits.

On a larger scale, the case also could mark the end of a Brown-led era of fiscal reform in Sacramento. A blue-state Democrat with a lifelong tendency against the spending his party was known for, the frugal Brown had the experience and political capital to challenge public employee unions who typically hold sway over Democratic politicians.

Newsom is newer and younger, and won his office in part with strong union backing. In campaign statements, he pledged to unions that he will protect their pensions; in fact, state firefighters cited Newsom’s commitment as one reason for giving the governor-elect their endorsement.

Meanwhile, Democrats, who have been a majority for some time, also with strong backing overall from organized labor, only gained ground in the November election. As the Legislature convened on Monday, they had not just a supermajority but a “mega-majority” in both chambers.

Both of those developments favor the priorities of public employee unions, as does the seemingly flush economy of the moment. California is projecting a \$15 billion surplus this year, compared to a \$27 billion deficit when Brown returned for his second stint in the governor’s office. The unemployment rate stood at 4.1 percent in October, compared to 12.1 percent when Brown was sworn in in January 2011.

When the Great Recession cratered state finances and the public gained awareness of generous retirement benefits, Brown was able to leverage those issues to successfully champion a package of changes from the Public Employee Pension Reform Act of 2012 with tacit approval from labor leaders.

While Brown did not get key changes needed to slow down the growth in retirement costs, the Legislature did agree to what the governor called the “biggest rollback to public pension benefits in the history of California.” Among other money-saving measures, Brown was able to raise the retirement age for new employees, ban retroactive pension

increases, stop practices such as hoarding vacation and sick time to inflate calculations for retirement benefits, and ban the purchase of additional years of service, known as “airtime.”

Multiple labor unions sued, arguing that Brown’s 2012 changes infringed on their employer’s contractual obligation to provide retirement benefits at the level that was promised on their first day of work. That premise—the California Rule—left state and local governments with little room for savings.

Prior to Wednesday’s high court hearing, lower courts weighed in on the precedent with mixed messages.

In a 2016 ruling upholding a lower court’s decision, Justice James A. Richman of California’s First District Court of Appeal broke from decades of court decisions in finding the Legislature can alter pension formulas for current employees and reduce their anticipated retirement benefits. He wrote that a public employee has a right to a “reasonable” pension, not “the most optimal formula of calculating the pension.”

But another appeals court came to a different conclusion about the “California rule” by deciding in favor of union employees in Alameda, Contra Costa and Merced counties. While the justices agreed there are limits to the California Rule, they said benefit adjustments require “compelling evidence” showing that the changes are necessary to the success of the pension system.

The Supreme Court agreed to take up the issue and is first hearing the firefighters’ case over whether airtime is a vested right. While Adams, for the firefighters union, said he hopes the court will recognize that airtime is earned through service, Brown’s lawyers argue taking away the optional benefit doesn’t mean the employee gets less in pensions.

Brown’s lawyers wrote in a brief that although airtime was thought to be cost neutral, employees could purchase fictional years of credit “often as much as 40 percent below the actual cost.”

Today, the California Public Employees’ Retirement System is carrying \$111 billion in unfunded liabilities and the California State Teachers Retirement System faces \$76 billion in unfunded liabilities.

During today’s oral argument in Los Angeles, the justices seemed to be searching for where to draw the line that would protect workers without giving them limitless retirement benefits.

Chief Justice Tani Cantil-Sakauye questioned labor attorney Greg Adam about how airtime is protected by the state Constitution when the employee hasn’t performed the work to earn it. And Justice Goodwin Liu wondered aloud whether pension rights extend to life insurance, health insurance or a sabbatical leave that may be offered during employment.

Then Liu turned to Brown’s attorney, Rei Onishi, to ask if the state has a right to change benefit formulas midstream in a worker’s career, which strikes at the heart of the California rule. Onishi said yes if it applies to prospective work. He reasoned that because a worker hasn’t earned the benefit, it’s not an impairment.

That brought on questions from Justice Leondra Kruger about whether the Legislature could wipe away benefits for a class of existing state employees going forward.

Onishi responded that wouldn't be likely because "other cases of this court have said you have a right to a substantial and reasonable pension as soon as you begin employment. I think completely terminating the system going forward, prospectively, would certainly raise questions about that."

Though the hearing focused on legalities, the realities of Democratic politics weren't far from the courtroom. In an unusual move, the governor had his own attorneys argue the case rather than Attorney General Xavier Becerra—a choice that fueled speculation that Brown hoped to shield the attorney general, a Democratic elected official, from union pressure.

And prior to the hearing, the court dodged a thorny question about whether Brown's most recent nominee to the bench could be impartial. Last month, Brown nominated long-time aide Joshua Groban, who would have provided him counsel on many legal matters. While it wasn't known if Groban was involved in the case brought by the firefighters union, there was an open question about whether he would have to recuse himself—a question successfully sidelined when Groban's confirmation hearing was set for Dec. 21, after this week's arguments.

Gov.-elect Newsom has said he would prefer to stay out of the courts to resolve pension disputes. When CALmatters asked him if the state should be allowed to renegotiate the future benefits of current workers, he suggested a legal fight wasn't necessary.

"Even with the California rule, we have the tools through collective bargaining to negotiate reforms and commensurate offsets," Newsom said then.

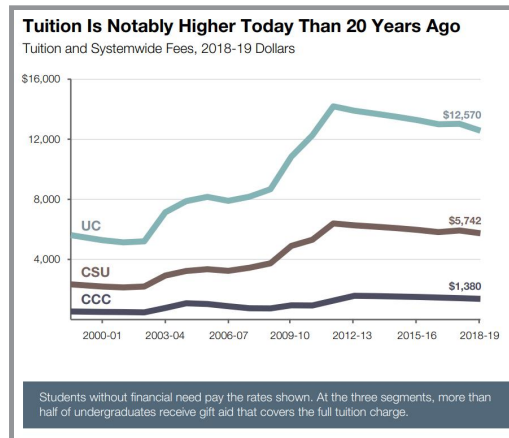
The economy might change his mind.

Economists have been warning of an inevitable downturn; Wall Street losses translate to deficits here because of California's reliance on capital gains taxes. That vulnerability, even more than politics, says Jack Pitney, professor of government at Claremont McKenna College, could force Newsom to confront pensions.

"Despite his reputation for being more progressive, the economic reality might end up forcing prudence," Pitney said. "As he contemplates the governorship, he's aware of the constraints. He's a smart guy and he knows how difficult the pension situation is going to be in the years ahead."

Data Available

Thursday, December 06, 2018



The Legislative Analyst's Office (LAO) periodically publishes "Cal Facts," a summary of data on various aspects of California. There is a segment in the latest edition on higher ed, as the tuition chart above shows. The new edition is at: <https://lao.ca.gov/reports/2018/3905/calfacts-2018.pdf>

Student Protection

Friday, December 07, 2018



In UCLA Stabbing Case, Appellate Court Puts University on the Hook for Protecting Students

The move makes way for Katherine Rosen, a former UCLA student stabbed by her classmate while on campus, to bring her case against the university before a jury.

By Ian Lopez | December 05, 2018 at 07:59 PM | [Law.com](http://www.law.com)

In breaking with a previous opinion, California's Second District Court of Appeal changed its tune in a former UCLA student's case against the university for a stabbing she suffered on campus at the hands of another classmate.

In a 39-page opinion filed Monday, the court unanimously deemed the school responsible for student safety: <http://www.courts.ca.gov/opinions/documents/B259424B.PDF>

Plaintiff Katherine Rosen initially filed a negligence action against several of her alma mater's employees and the Regents of the University of California, alleging they fell short of obligations to protect their students from "foreseeable acts of violence." Her stabber, Damon Thompson, was provided mental health care through the school, diagnosed with schizophrenia and exhibited erratic behavior toward fellow students prior to the incident.

UCLA previously took the case up to the Second District after losing a summary judgment motion seeking a finding that it wasn't obliged to shield students from criminal acts carried out by classmates and that it reasonably addressed the threat posed by Thompson. UCLA won on its first trip. That decision, however, was reversed by the California Supreme Court on grounds that universities have a "special relationship" with students that renders them responsible for protecting students in "curricular activities."

On remand, the Second District unanimously concurred that the university had breached the duty of care owed Rosen.

"Defendants assert that even if they owed Rosen a duty of care and there are triable issues of fact regarding the breach of that duty, they are nonetheless entitled to summary judgment on immunity grounds," wrote Judge Laurie Zelon in the Dec. 3 opinion. "Although the majority did not address this issue in the prior opinion because it found there was no duty, the dissent rejected it, concluding that while these statutes shield

certain aspects of this tragic situation from liability, they do not, either singly or in combination, justify denying Rosen the right to present her negligence claim to a jury.”

“The panel now unanimously agrees with that conclusion,” Zelon added.

Brian Panish, the Panish Shea & Boyle attorney representing Rosen, said the implications of the decision were “huge,” given that prior to the decision, universities were immune from the duty tasked to grammar and high schools to shield students from such violence.

“It opens up liability. It requires [UCLA] to exercise reasonable care. In this case, the defense went on to say. ‘We have the safest campus on the world; give your students to us. We’ll protect them.’ Yet something like this, they hide behind their immunity,” Panish said. “Now they have to live up what they say they’re going to do.”

Attorneys at Maranga Morgenstern listed as representing the UC Regents, as well as the university group’s general counsel, couldn’t be reached for comment.

A status conference is slated for May 13, 2019, in Los Angeles Superior Court.

Source: <https://www.law.com/therecorder/2018/12/05/in-ucla-stabbing-case-appellate-court-puts-university-on-the-hook-for-protecting-students/>

Open vs. Closed

Saturday, December 08, 2018



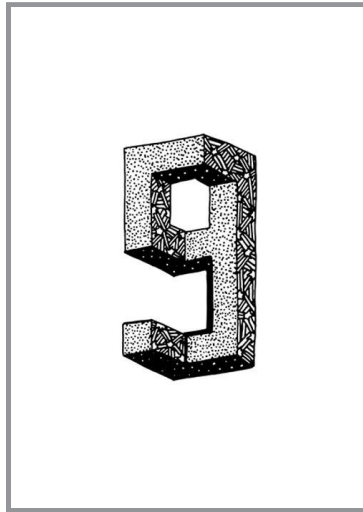
In UC's battle with the world's largest scientific publisher, the future of information is at stake Michael Hiltzik, *LA Times*, 12-7-18 *Boiled down to dollars and cents, the battle between the University of California, the nation's premier producer of academic research, and Reed Elsevier, the world's leading publisher of academic journals, can seem almost trivial. UC is paying almost \$11 million this year for subscriptions to some 1,500 Elsevier journals. That's not much when measured against the university's core budget of \$9.3 billion. But in fact it's a very big deal — big enough for the university to consider dropping the subscriptions entirely when its current five-year contract with Elsevier expires on Dec. 31. Scores of town hall meetings for UC faculty to discuss the ongoing negotiations between UC and Elsevier have been scheduled across the system as the deadline approaches. What faculty are likely to hear, in the words of Jeff MacKie-Mason, the university librarian at UC Berkeley, is that "we're pretty far apart at this point." That's because more than money is at stake. The key issue separating the university and the publisher is the concept of "open access." At its core, says Dennis Ventry, a UC Davis law professor who is vice chair of UC's committee on library and scholarly communication, open access means that "research should be immediately and freely available to the public upon publication, and not behind a [subscription] paywall." The goal of science, after all, is to disseminate knowledge, not keep it sequestered. That may sound obvious, but to academic publishers the principle is difficult, if not impossible, to reconcile with their prevailing business model. Scientific and technical journals today are predominantly subscription-based. Researchers submit papers for publication but aren't paid if they're accepted; the prestige of their work appearing in a high-profile journal is assumed to be payment enough, especially since they are judged at their universities by their publication history. Universities subscribe to the journals on terms typically making them available to faculty and students affiliated with their campuses or visitors (generally online). Under open access, by contrast, authors pay the journals a preparation fee covering the cost of publishing an accepted paper. The authors retain the copyright, under which their research can be made accessible to the public at large. Some journals, including some Elsevier titles, are hybrids, featuring some subscription-only articles and others available to everyone. "We all agree that open access is a good thing," says Karen Bales, a psychology professor at UC Davis and chair of the campus Academic Senate research committee. "It increases the visibility of our research, and it's something the taxpayers deserve." It's not surprising that Holland-based Elsevier and other big academic publishers such as Germany's Springer and the New Jersey-based John Wiley & Sons have fiercely defended the subscription model. The academic publishing business has*

been fabulously profitable. In 2017 Elsevier recorded operating income of \$1.17 billion on revenue of \$3.17 billion from scientific, technical and medical publishing, an enviable operating profit margin of nearly 37%. “They’re the most powerful publisher in the world, and they act like it,” MacKie-Mason says of Elsevier. In negotiations, “they’ve been unyielding.” Elsevier and the university have agreed to keep details of their talks under wraps until they conclude. But in general terms, UC wants to move to a so-called publish-and-read contract, in which the preparation fees paid by UC authors for papers to be subject to open access are combined with subscription fees in a single deal, hopefully at a money-saving rate. UC estimates that its authors pay Elsevier about \$1 million a year in open-access fees that can reach thousands of dollars per paper. “Elsevier has not shown any interest in discussing a publish-and-read contract,” MacKie-Mason told me. Instead, the publisher is insisting on a traditional subscription deal. Elsevier has expressed some willingness to test a new open-access fee arrangement as a pilot program, says Ivy Anderson, the associate executive director of UC’s California Digital Library, which is the signatory to the master subscription agreement. But it would be on a small scale and not integrated with the subscription contract. As a result, she says, the proposal wouldn’t advance the university’s goal of “effecting a large-scale transition to open access for the entire UC system.” What’s irksome about the publishers’ stance is that much of their overhead is shouldered by the same people they charge for subscriptions. The publishers don’t pay authors for papers or peer reviewers for their reviews. The research undergirding the published papers often is wholly or partially funded via public grants — that is, by taxpayers, who must pay again to read the results. “All Elsevier does really is a little bit of text editing and putting the papers online,” says Ted Bergstrom, a professor of economics at UC Santa Barbara and long-term critic of the publishing industry. The near-monopolization of academic publishing by for-profit companies began in the 1960s, Bergstrom explains. At that time, most publishing was in the hands of professional societies. But the societies couldn’t keep up with the demand for more specialized journals as their disciplines expanded. The commercial companies stepped in to meet the demand. “At first they weren’t exploitatively priced,” Bergstrom says. “But the publishers noticed the demand was inelastic and they could get away with selling these things for much higher prices.” Come the internet and the shift from paper to online publication, and it became a simple matter to bundle hundreds of titles together in a single institution-wide contract. The growing institutional discontent with this model arises partially from changes in the economics of public universities, which are increasingly strapped for money. At UC, support from the state budget has fallen by one-third since 2000-01, accounting for inflation. That has forced the university to rely more on student tuition, which has more than tripled after inflation, and nonresident tuition, which has nearly quintupled. Both factors erode the universities’ fundamental mission to serve California students. Nevertheless, Elsevier’s contract with UC, which was signed in April 2014, calls for annual rate increases running ahead of inflation. Over the five-year term ending Dec. 31, the subscription rate increased by more than 11% while inflation raised consumer prices by less than 7%. Elsevier says it’s a believer in open access. “We absolutely support public access to publicly funded research,” Gemma Hersh, its vice president for global policy, told me. But she says the best solution is to integrate open access into the “menu of options” that Elsevier offers its customers. The vast majority of academic papers are still offered via subscriptions, she says, because many customers prefer to pay for access over time rather than upfront via publication fees. Revenues from the subscription model are still growing by 3% a year on average. Hersh acknowledges that the open access model is growing faster, by 20%, but it’s building on a much smaller base, accounting as yet for only 15% of the research papers published globally. Yet it isn’t clear that the publishers, powerful as they are, can hold back the tide. Publishers devoted entirely to open access have gained high prestige in the marketplace, including

the Public Library of Science, or PLoS, which was founded in 2001 by scientists at Berkeley, Stanford and the National Cancer Institute. In 2012, investment analyst Claudio Aspesi of Bernstein Research warned that if academic researchers decided that Elsevier's business model was "hindering the progress of science or their ability to efficiently perform research, the risk of a further escalation in what is already an acrimonious debate would rise substantially." In September, a consortium of 11 European research agencies decreed that by 2020 every paper they fund will have to be freely available from the moment of publication, an initiative known as Plan S. The decree means that papers would no longer be able to appear in high-profile journals such as Science and Nature or Elsevier's Cell and Lancet unless their business models changed drastically. German and Swedish universities have dropped their Elsevier subscriptions to protest the firm's resistance to full open access. Open-access advocates believe that UC, if it stands firm, could serve as the standard bearer for American researchers. Certainly no institution is better positioned to play that role. The university boasts that it accounts for nearly 10% of all published research in the United States. It's also a significant partner of Elsevier, which publishes about 18% of all UC output and collects more than 25% of the university's \$40-million overall subscription budget. UC policy has been explicitly committed to open access since 2013, when the university's Academic Senate adopted the policy. UC authors are required to deposit versions of their papers or links in the university's eScholarship online repository, which currently holds more than 200,000 items available to the public for free. (Compliance by researchers is thought to be spotty as yet, however, in part because there's no enforcement system.) No one knows yet how the showdown between UC and Elsevier will play out. Some observers expect that the deadline will be extended so the two sides can continue negotiating, though Elsevier would have the right to shut off access to new journal issues as of Jan. 1. (Access to prior publications already paid for wouldn't be affected.) As for the longer time frame, the research community expects the big publishers to stay in business, but perhaps with narrower profit margins and an evolved model more reliant on preparation fees than subscriptions. Researchers have begun to sense that they may have more leverage against the publishers than they assumed. "As authors, we do have a choice of where we send our articles and invest our time as peer reviewers," Bales says. "If enough of the publishers' customers end their subscriptions... they'll have to change." Source: <https://www.latimes.com/business/hiltzik/la-fi-hiltzik-uc-elsevier-20181207-story.html>

Harvard and 9

Sunday, December 09, 2018



Apart from the litigation against Harvard concerning admissions and single-sex unofficial clubs (which has been discussed in prior blog posts), another lawsuit is pending that could affect UC's procedures with regard to Title 9 complaints. A hearing is set for this coming Tuesday:

Student Sues Harvard for Investigating Alleged Sexual Assault That Took Place Off-Campus

By Angela N. Fu and Molly C. McCafferty, Harvard Crimson, December 3, 2018/Modified December 8, 2018

A Harvard undergraduate has filed suit against the University charging it overstepped when it opened an investigation this October into allegations he raped a non-Harvard student in an apartment building located hundreds of miles from campus in summer 2017. The unnamed male student, dubbed "John Doe" in the complaint, filed a civil lawsuit Wednesday in the U.S. District Court in Massachusetts. He contends that Harvard does not have the authority to open an investigation into sexual assault allegations levied by a non-Harvard student regarding an incident that did not take place on University property. He is demanding Harvard cease to investigate him and pay him \$75,000 in damages, as well as compensate him for any costs incurred during litigation.

Doe's suit states that, during summer 2017, Doe and "Jane Roe" — the unnamed woman he allegedly raped — were both working internships "in a city hundreds of miles away from Harvard." That city was almost certainly Washington, D.C. Additional court filings state that the D.C. Metropolitan Police Department investigated the alleged assault but ultimately decided not to prosecute the case. Doe wrote in his suit against Harvard that he is currently facing a civil lawsuit filed by Roe.

The University's Office for Dispute Resolution opened an investigation into Doe in October 2018, according to Doe's complaint. ODR handles all allegations of sexual or gender-based harassment at Harvard in keeping with Title IX, a federal anti-sex

discrimination law. In arguing ODR does not have the jurisdiction to investigate his case, Doe pointed to University policies related to sexual and gender-based harassment. Those policies — available online — apply only to misconduct perpetrated by University affiliates while on campus or in connection with University-recognized activities. The policy also covers harassment that may create a “hostile environment” for other Harvard affiliates.

Doe, though, is likely subject to both University policy and guidelines followed by the Faculty of Arts and Sciences (FAS) as a student of the College. The University's overarching policy — which Doe referenced — does not preclude schools within Harvard from producing and enforcing their own, more expansive sets of rules. FAS policies and procedures are broader in scope than comparable University policies. Per its guidelines, FAS may hold all students to the expectation that they behave in a “in a mature and responsible manner” no matter where they are.

“It is the expectation of the Faculty of Arts and Sciences that all students, whether or not they are on campus or are currently enrolled in a degree program, will behave in a mature and responsible manner,” the policy reads. “Consistent with this principle, sexual and gender-based misconduct are not tolerated by the FAS even when, because they do not have the effect of creating a hostile environment for a member of the University community, they fall outside the jurisdiction of the University Policy.”

Recent federal Title IX guidelines proposed by Education Secretary Betsy DeVos could complicate Doe's suit. The new rules, released by the department on Nov. 16, limit the scope of acts of sexual harassment universities are required to investigate. Specifically, the rules stipulate schools are not required to open investigations into alleged acts of sexual misconduct that took place outside the bounds of a school “program or activity.”

In his complaint, Doe charges Harvard with two counts: breach of contract and breach of covenant of faith and fair dealing. He alleges that, in allowing him to attend classes in exchange for “substantial amounts of money,” Harvard created a reasonable expectation that Doe would earn a degree from the school. One possible outcome of an ODR investigation is expulsion.

“Harvard has breached, and is breaching, its contractual obligations by subjecting Mr. Doe to a disciplinary process that—in the ways, and for the reasons, set out above—is arbitrary, capricious, malicious, and being conducted in bad faith,” the complaint states. Harvard spokesperson Rachael Dane declined to comment.

The complaint states that Doe met Roe on the night of July 22, 2017 at a party held at Roe's apartment. There, they “engaged in sexual activity,” to which Doe alleges Roe consented. Roe, however, alleges Doe raped her, according to the lawsuit. The suit states Roe later filed a complaint with the local police department. Roe filed a civil personal injury suit against Doe in March 2018. That suit is currently ongoing.

Doe states that ODR informed him that the investigation into him is based on Roe's allegations. In an email submitted as an exhibit in the lawsuit, Ilissa K. Povich, ODR senior investigator, wrote that the College Title IX coordinator filed the case, then reached out to Roe to ask her to participate as a complainant in the investigation.

After first questioning ODR's jurisdiction, Doe asked Povich to temporarily suspend the investigation pending the results of the lawsuit filed in March by Roe. Doe stated a

simultaneous ODR investigation would have a “serious impact” on his ability to defend himself in the ongoing civil case, according to the complaint. But Povich rejected this request, stating that Harvard University Police Department confirmed with D.C. police that law enforcement did not plan to investigate the allegations, according to an email filed as an exhibit.

Though FAS policy allows the school to pause an investigation in order to avoid interfering with active criminal investigations, it does not mention the possibility of deferring an investigation to accommodate ongoing civil litigation.

In his complaint, Doe states that the ODR investigation is unnecessary because Roe is already “assured of having her day in court” through her civil suit. He adds that, in that suit, Doe “will be entitled to all the protections of a defendant in a civil case,” including subpoena power and the right to cross-examine Roe and other witnesses. On Nov. 15, Harvard temporarily paused its investigation into Doe, the complaint states. It reopened the investigation on Nov. 27 “with no changes to its existing procedures” and requested an interview with Doe the next day, according to the complaint.

Doe noted in his complaint that the temporary suspension of the investigation coincided with the Education Department’s release of new Title IX guidelines — “rules with which Harvard’s current proceedings do not comply,” the suit reads.

University spokesperson Melodie L. Jackson did not respond to questions regarding Harvard’s decision to pause the investigation and whether it related to DeVos’s new guidelines. In addition to filing a motion requesting a temporary restraining order and a preliminary injunction, Doe has filed a motion to proceed with the case under a pseudonym. Judge Indira Talwani ’82, who is presiding over the case, set a date of Dec. 11 for a hearing on Doe’s motion for a temporary restraining order and preliminary injunction.

Source: <https://www.thecrimson.com/article/2018/12/3/student-sues-harvard-odr-off-campus/>

Some paths lead to trouble... - Part 2

Monday, December 10, 2018



From the Bruin: *UCPath representatives spoke to UCLA student workers (last) Thursday about how to resolve ongoing payroll issues after nearly an entire quarter of complaints about being paid incorrectly. The Undergraduate Students Association Council, the Graduate Students Association and United Auto Workers Local 2865 organized a town hall in which student workers spoke with representatives from the UCLA UCPath team and the UCLA Central Resource Unit, the office that assesses reports of UCPath issues, about how to resolve their individual complaints about the payroll system. UAW Local 2865 represents over 12,000 UC student workers, including Academic Advancement Program Peer Learning facilitators and College Academic Mentors. UCPath, a new payroll system implemented in September, has led several student employees to receive incorrect paychecks or not receive paychecks at all. Resident assistants, researchers from various departments and undergraduate Peer Learning facilitators attended the town hall and raised issues such as the lack of clarity regarding who to contact to resolve payroll issues, student workers not receiving paychecks for a second job and CRU closing unresolved cases after four days. Ricardo Vazquez, a UCLA spokesperson, said in an email statement that UCLA is providing instant pay cards, emergency pay advances and off-cycle checks for student workers experiencing pay issues. **Vazquez added that errors ranging from missing paychecks to disenrollment from benefit plans have affected about 2 percent of UCLA's employees.** Michelle Viorato, the GSA external vice president, said emergency loans have been particularly inaccessible to certain students. "Currently, graduate student researchers and teacher assistants are the only ones eligible for interest-free loans that meet the same amount they are supposed to get paid," she said. "This leaves most undergraduate and some graduate students who are earning more than \$350 per paycheck out of luck." ... Full story at <https://dailybruin.com/2018/12/09/ucpath-representatives-respond-to-unresolved-payroll-complications-at-town-hall/>*

More Cash

Monday, December 10, 2018



The latest cash report from the state controller shows revenue running ahead of the budget forecast for the first 5 months of the fiscal year to the tune of over \$2 billion.

Apart from the official reserve, the state has unused borrowable cash from all sources over \$10 billion ahead of forecast levels.

Whether these development produce extra benefits for UC remains to be seen. But it's hard to be gloomy, even with the stock market's current volatility.

The report is at <https://www.sco.ca.gov/Files-ARD/CASH/November%202018%20Statement%20of%20General%20Fund%20Cash%20Receipts%20and%20Disbursements.pdf>

As long as we're keeping track of Harvard controversies...

Tuesday, December 11, 2018



...here's one that seems ripe for the next litigation battle:

Harvard's \$39B Endowment Is Reportedly Buying Up California's Vineyards—and Their Water Rights

By KEVIN KELLEHER, December 10, 2018, Fortune

Harvard University's endowment is reportedly buying up vineyards in California's wine country, along with the water rights belonging to those properties.

Instead of making the land purchases in its own name, Harvard is using a wholly owned subsidiary—named Brodiaea after the scientific name for the cluster lily—to buy vineyards. Harvard created Brodiaea in 2012, and by 2015 the unit had already purchased 10,000 acres in Santa Barbara and San Luis Obispo counties for about \$60 million, according to an earlier report by Reuters.

Earlier this year, the Harvard Crimson reported that Brodiaea had continued to buy up land in the area, especially vineyards with good access to ground water. Unlike many California vineyards, the ones owned by Harvard don't welcome tourists to tastings but instead feature "no trespassing signs" on the properties, the Wall Street Journal said on Monday.

California's central coast has, like much of the state's farming region, suffered a long and serious drought since 2011. The drought has led many farms and vineyards to draw from ancient aquifers, making land rights to their underground water an increasingly precious resource. According to UC Berkeley's California magazine, more than 100 water basins throughout the state have reached critical levels of overdraft.

While some local farmers say they aren't worried about Harvard's purchases of vineyards, others—as well as some local politicians—are expressing concern that the groundwater will be used to benefit landowners who are based far away.

Source: <http://fortune.com/2018/12/10/harvards-endowment-reportedly-buying-californias-vineyards-water-rights/>

Well, it's probably just a drop in the bucket... if you don't drop the bucket:

The Regents Health Committee is Coming Today to UCLA...

Tuesday, December 11, 2018



...and it is going to discuss disruption:

For Meeting of December 11, 2018

WORKING TOGETHER: CONDUCT EXPECTATIONS IN HEALTHCARE SETTINGS AND INITIATIVES TO PREVENT AND ADDRESS DISRUPTIVE BEHAVIOR

UCLA Health Chief Medical Officer Robert Cherry, M.D. and Deputy General Counsel Rachel Nosowsky will discuss what is referred to as “disruptive behavior” in the healthcare setting and work UC Health has initiated to more effectively address it. Clear evidence has developed over the past two decades indicating that disruptive behavior threatens patient safety and is linked with increased professional liability exposure. Yet “the bar for such conduct” in academic institutions, among peers, in professional certification organizations, and even at licensing boards “may be set quite high – e.g., physical abuse, addiction, dishonesty, or a felony conviction.” AMA Journal of Ethics 2015; 17(3): 215-220. There is no single consensus definition of the term in a hospital setting, but the University recently issued general Guidance on Abusive Conduct and Bullying in the Workplace that includes the following examples: - Persistent or egregious use of abusive, insulting, or offensive language directed at an employee - Behavior or language that frightens, humiliates, belittles, or degrades, including criticism or feedback that is delivered with yelling, screaming, threats, or insults - Purposefully inappropriately excluding, isolating, or marginalizing a person from normal work activities In addition, the Academic Personnel Manual (APM 015) prohibits the following conduct: - Serious violation of University policies governing the professional conduct of faculty, including policies applying to clinical practice - Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities Dr. Cherry and Ms. Nosowsky will discuss organizational and individual factors that lead to disruptive behavior, the challenges many healthcare organizations face in identifying and effectively addressing disruptive behavior, and tools that have been employed nationally and locally to effect lasting change. UC Health leaders have prioritized work to improve “safety culture” systemwide. While local initiatives are ongoing at all UC Health locations, the Chief Medical Officers have begun working together to identify, develop, and implement further improvements. This work began with a survey of current practices, which Dr. Cherry will discuss in some

detail. Future plans include a focus at the upcoming UC Health leadership retreat on physician engagement and burnout – significant triggers for disruptive behavior; and on an initiative to improve policies, guidance, and analytics to support a culture that, consistent with the University's mission, values, and vision, promotes patient safety. Two articles are attached (to the agenda) for additional background information:
<https://regents.universityofcalifornia.edu/regmeet/dec18/h4attach1.pdf>
<https://regents.universityofcalifornia.edu/regmeet/dec18/h4attach2.pdf> === The item above is at <https://regents.universityofcalifornia.edu/regmeet/dec18/h4.pdf> === As usual, yours truly will archive the audio of the meeting when he gets a chance, since the Regents only preserve their recordings for 1 year.

Shared Meter

Tuesday, December 11, 2018



From the Bruin: *Westwood Village is in the final stages of gaining approval for a program that will allow the Village to receive part of the revenue generated from its parking meters. In May, the Los Angeles Department of Transportation selected the Westwood Village Improvement Association, a nonprofit organization tasked with improving the state of the Village, as a candidate to participate in a pilot parking revenue program. The pilot program is scheduled for approval by the Los Angeles City Council's Budget and Finance Committee on Monday, after which it will need the approval of the full City Council.*

Andrew Thomas, executive director of the association, said 15 percent of the revenue from parking meters will go back into the WVIA to improve the Village once the program is approved. Currently, all parking meter revenue generated by Westwood goes to the City of Los Angeles.

Thomas said Westwood generates about \$1.5 million in parking meter revenue each year, so this program will give the neighborhood around \$225,000 in funds. He added the funds will go to improving infrastructure and public space in the Village as well as parking access and sidewalks.

"We have an opportunity to do a lot of infrastructure improvement. We also have the opportunity to look into innovative programs to help with parking in our district," Thomas said. "We could set up a district-wide valet system, for example, which has been something our board members have talked about." The funds will be managed by the WVIA along with the LADOT, which sets the parameters and rules on how to use the money, as the money belongs to the city, Thomas said. Although the specific restrictions have not been finalized yet, the funds will have to be used for services related to transportation and parking, he added...

Donald Shoup, an urban planning professor at UCLA, said this program has had success in other cities including San Diego, Houston and Boston. "Take a look at Pasadena, the place it was first implemented," Shoup said. "The funds were used by the city to turn what was essentially a skid row into Old Pasadena, one of Southern California's most popular tourist destinations." ...

Full story at: <http://dailybruin.com/2018/12/09/pending-program-would-give-portion-of-parking-revenue-back-to-westwood-village/>

Open vs. Closed - Part 2

Tuesday, December 11, 2018



12-11-18 (Via Email)

Dear Colleagues: As you may know, the UC Libraries are negotiating a new contract with the scholarly journal publishing giant Elsevier. We are deeply concerned with these negotiations because of the amount of money involved and the control Elsevier exerts over the intellectual efforts of UC's faculty, researchers, and staff. UC is collectively paying Elsevier more than \$11.5 million for its journals, products, and services. In addition, countless UC faculty members, researchers, and staff members write and review articles published in those journals and serve on their editorial boards. The company's profit margin is 40%, much of it earned from your intellectual capital and unpaid work. This current situation is unsustainable for the UC system. While these negotiations are going on, we urge you to consider:

- Declining to review articles for Elsevier journals until negotiations are clearly moving in a productive direction.
- Looking at other journal publishing options, including prestigious open access journals in your discipline.
- Contacting the publisher, if you're on the editorial board of an Elsevier journal, and letting them know that you share the negotiators' concerns.
- Using UC's open access policies to make your final pre-publication manuscript publicly accessible.

We will update you if there is any substantive news to report from the negotiations. Elsevier has begun contacting journal editors at some campuses, and its message doesn't fully represent all sides of the issue or what is being discussed in the negotiations. If you receive the Elsevier message and would like to discuss it, please contact Joseph Bristow (jbristow@senate.ucla.edu or 310-825-4173) or Ginny Steel (vsteel@library.ucla.edu or 310-825-1201). The UC Libraries are working on alternative access methods should they become necessary; while we very much hope that will not be the case, we will nevertheless notify you immediately if negotiations reach that point. Thank you for your attention to this important issue. Sincerely, **Scott L. Vaughn**
Executive Vice Chancellor and Provost **Joseph E. Bristow**
Chair, Academic Senate
Distinguished Professor, English **Ginny Steel**
Norman and Armena Powell University Librarian

Public Charge

Tuesday, December 11, 2018



Inside Higher Ed notes that UC president Janet Napolitano and two other UC executives have sent a letter to the Dept. of Homeland Security criticizing a proposal to expansion of the "public charge" rule for immigrants:

A number of colleges and higher education groups have registered their opposition to a proposed rule by the Trump administration that would redefine how the government determines an immigrant or nonimmigrant visitor is likely to become a "public charge" and thus ineligible for a green card or other change of immigration status. Current regulations dating to 1999 hold that an immigrant can be deemed inadmissible or ineligible for a change in immigration status if they are determined to be "likely to become primarily dependent on the government for subsistence." Whereas the government has previously taken into account the acceptance of cash benefits in determining whether an immigrant is likely to be a "public charge," the proposed rule would consider any use of a wider range of noncash public benefits -- including use of food stamps, nonemergency Medicaid and public housing assistance -- as "heavily weighed negative factors" in making these determinations...

Full story at <https://www.insidehighered.com/quicktakes/2018/12/11/opposition-public-charge-rule>

The UC letter can be found at:

https://www.insidehighered.com/sites/default/server_files/media/Comment%20RE%20Do%20cket%20USCIS-2010-0012%20University%20of%20California%20System.pdf

The Issue Continues

Wednesday, December 12, 2018



U of Michigan to Close Confucius Institute

By Elizabeth Redden, December 12, 2018, [Inside Higher Ed](#)

The University of Michigan will close its Confucius Institute next year when the current agreement governing the institute expires.

"This transition is driven by a desire to more broadly include the work of exploring and studying Chinese visual and performing arts within U-M's regular academic and cultural units," James Holloway, Michigan's vice provost for global engagement and interdisciplinary academic affairs, said in an announcement. Michigan said programming at the Confucius Institute will continue through June of next year.

The Confucius Institutes -- Chinese-government funded centers of language and cultural education housed on about 100 U.S. university campuses -- have come under increased scrutiny over the last few years as a number of political figures have called for their closure. Chief among the critics is U.S. senator Marco Rubio, Republican of Florida, who has characterized the institutes as part of a broader effort by the Chinese government to influence American academia and stifle critical analysis of China's history and politics.

Criticism has also come from within academe. The American Association of University Professors has recommended that universities should renegotiate their agreements to ensure academic control of the institutes and academic freedom for all instructors or otherwise cease their involvement. The National Association of Scholars published a report last year recommending closure of the institutes and finding that in hosting them "universities have made improper concessions that jeopardize academic freedom and institutional autonomy."

Supporters of the institutes say they provide valuable resources to offer Chinese language and cultural programming, and that the concerns about academic freedom and institutional autonomy are unfounded or overstated.

Other American and Canadian universities that have moved to close their Confucius Institutes for various reasons include the University of Chicago, Pennsylvania State University, McMaster University and the Universities of North Florida and West Florida. In April the chancellor of the Texas A&M University system announced the closure of two Confucius Institutes -- one on A&M's main campus in College Station and the other at the Prairie View campus -- after two congressmen wrote an open letter describing the

institutes as "a threat to our nation's security by serving as a platform for China's intelligence collection and political agenda." The letter from the two congressmen, Representatives Henry Cuellar, a Democrat, and Michael McCaul, a Republican, referenced comments from the Federal Bureau of Investigation director, Christopher Wray, who said in February that the FBI is concerned about the Confucius Institutes and has "developed appropriate investigative steps" in relation to them.

Source: <https://www.insidehighered.com/quicktakes/2018/12/12/michigan-close-confucius-institute>

Harvard Admissions - Part 17

Wednesday, December 12, 2018



Asian American who supported Harvard in its admissions case has doubts about process upon reading his own admissions file:

Ira Glass, This American Life, 12-7-18, Episode 663

Listen to audio or read transcript below:

<https://www.thisamericanlife.org/663/how-i-read-it/act-one-2>

Transcript:

Act 1, the veritas is out there.

So I just found this out that since the 1990s, if you got into college, and you decided to attend the college, at lots of schools, you can work at your own admissions file. See what the admissions people said about you when you were applying. In fancy schools that are hard to get into, you can try to figure out why they decided to admit you in the first place, which lots of kids do.

But the downside is, you might find something you didn't want to see, and then you have to deal with that. Diane Wu does the story of one Harvard student that happened to.

Diane Wu

At Harvard, going to see your admissions file has suddenly got caught up into something much bigger. As you might have heard, Harvard's being sued for allegedly discriminating against Asians. Asian applicants with high GPAs and test scores have a lower acceptance rate than other students with the same numbers.

Harvard does consider a student's race when they apply as one of many factors. The group that's suing them wants them to stop doing that altogether. It's a group called Students For Fair Admissions. They're trying to get rid of affirmative action all across the country. And this case is likely to be appealed all the way up to the Supreme Court.

Alex Zhang is a junior, co-president of the Chinese Students Association. I met him the first week of the trial. He's solidly team Harvard in the lawsuit, because Harvard is on the side of keeping affirmative action.

For him, it was a moral decision. Of course, diversity is good, and getting rid of affirmative action is bad. So he wrote a statement for an amicus brief, and got his student group to sign on to another one.

Friends of his were looking at their admissions files. So Alex decided to go as well, partly

because he was curious how his file stacked up against the claims made in the lawsuit. But also, he just wanted to see how he got in. He'd always wanted to find out.

Alex Zhang

I'm really curious about the interview component, because I just feel like that's what did it.

Diane Wu

Did you have a really good interview?

Alex Zhang

Yeah, a really good interview with a really old and experienced alumni.

Diane Wu

The way this usually works-- you meet with an alumni volunteer for an hour or so in a coffee shop or wherever in your hometown. Alex is from Portland, Oregon. He had an exceptional interview. It lasted two hours. Then even more unusual, his interviewer set up a second meeting.

Alex Zhang

He did this whole thing, where he ran through all my extracurriculars, kind of tallied up hours and stuff, just was very rigorous, even asked for some contacts for references, which, apparently, he wasn't supposed to do.

Diane Wu

He was really--

Alex Zhang

He did that because he wanted to have everything on the table for him to advocate for me.

Diane Wu

Alex wanted to know, did this guy get me in? The alumni interview is important at Harvard, because usually, it's the only face-to-face contact the school has with an applicant. And admissions officers use it, plus other information, to assign applicants this thing called a personal rating.

The personal rating is actually the crux of the lawsuit. It's basically a rating of your personality. The words Harvard uses to describe what they're looking for are things like leadership, courage, sense of humor, effervescence. It's like they want to fill the school with future senators, perky Griffindors, and Reese Witherspoon in Legally Blonde types.

Students for Fair Admissions says the personal rating is where the discrimination happens, where implicit bias leaks in. Because at Harvard, Asian applicants get a lower personal rating than white applicants. Harvard does not dispute those numbers, but says they don't consider an applicant's race when assigning the personal rating.

A couple days after I met him, Alex called me from a study lounge. He'd just gone to see his file, sat with 15 other kids around a table at the registrar's office and paged through it. He wasn't allowed to take the file with him, but could take pictures on his phone. He scrolled through the photos and read parts of it to me.

Alex Zhang

Let me take a quick look. The first sheet is the Harvard scores, so they have this weird coding jargon that I don't really understand yet. I'll probably look it up later.

Diane Wu

We got quickly to the part he was curious about-- the report from his alumni interviewer, which was the most remarkable part of his file. For starters, it was long.

Alex Zhang

My interviewer wrote, like, five pages of notes.

Diane Wu

Wow.

Alex Zhang

Which I think is kind of unusual.

Diane Wu

It is. Everyone else I checked with had only two pages. Reading through, Alex saw that his interviewer, Jim McCandlish was really going to bat for him. He told Alex that he was one of the best candidates he'd met in more than 20 years of interviewing. Though Alex learned, a lot of Jim's thoroughness-- the extra interview, the references he called-- that was Jim checking into whether or not Alex was for real.

Alex Zhang

It seems like he was skeptical of a lot of stuff I did, at least was concerned about this resume-builder mentality and wanted to verify whether I did that authentic work.

Diane Wu

Like when Alex said he worked on homelessness at the youth commission, Jim wondered, is he just saying that because he googled my law firm and read that I represent disadvantaged people? Quote, "was this a perfect for MIT mechanical engineer playing me?" Perfect for MIT, I guess, is code for too boring for Harvard.

Jim called up Alex's supervisor at the youth commission and found out, no, Alex genuinely cared about homelessness and works there even more than he'd let on. Alex read Jim's interview notes to me matter-of-factly, then paused to note this one section.

Alex Zhang

Oh, here's an interesting portion actually.

Diane Wu

Jim was writing about a conversation he'd had with that supervisor. Apparently, he had asked not just about Alex, but about Alex's mom, too. He writes--

Alex Zhang

She is far from the stereotypical, quote, "tiger mother." His mom is supportive, but not directive. So I guess there's just those two, three sentences on my mom.

Diane Wu

How do you feel about that? How would you feel about that characterization of your mom?

Alex Zhang

I mean, it's true. Yeah, she's supported, but not directive. She pushes me. She pushes me hard, but has always sort of let me push in the direction I wanted.

Diane Wu

Is it weird to you at all that the interviewer is pointing to stereotypes that you aren't? Is he a perfect-for-MIT engineer playing me, or does he have a tiger mom?

Alex Zhang

Oh, yeah. That's a good point.

Diane Wu

As soon as I asked the question, I felt like I overstepped, like I was planting the idea in Alex's head that something racial was going on. But when I heard tiger mother, I thought, there is the implicit bias they're talking about in the lawsuit in a way more explicit form than I was expecting.

Alex did have a strange feeling about it, even if he wasn't sure exactly why.

Alex Zhang

Yeah, that is really weird. I guess it kind of goes into a narrative like the Asian applicant has to disprove certain things to be considered viable for something ivy league.

Diane Wu

In other words, if you want to get into Harvard, don't be too Asian.

Alex Zhang

Hmm. That makes sense. I don't know what his motivations are, my interviewer's motivations. Maybe the interviewer was like, oh, I should distinguish him from other Asians, or maybe he just does it subconsciously.

Diane Wu

Yeah.

Alex Zhang

Yeah.

Diane Wu

There's another thing like this in Jim's notes, another spot where he points to an Asian stereotype and says it doesn't fit Alex. It has to do with the fact that Alex is quiet, which is a stereotype about Asian students. One, actually, that Harvard was called out for using in a 1990 federal investigation.

But in Alex's case, Jim casts it as a plus. He writes, "Alex is reserved, quietly confident, uses language frugally but effectively. There is no teenage patois." Perfect-for-MIT engineer, by the way, also plays into a stereotype of Asians only being interested in science and math. This one didn't bother Alex, though, since he literally wanted to be an engineer when he was applying.

Alex Zhang

The tiger mother part is definitely interesting. No other mom is called a tiger mom. That's what you call a Chinese mom. Only Chinese moms are called tiger moms. It definitely

seems like he's trying to disprove what a reviewer might assume about the reasoning for why I do things.

Diane Wu

Yeah. How do you feel about that?

Alex Zhang

I don't know. So he actually has a Chinese wife.

Diane Wu

Is he Chinese? He's not Chinese.

Alex Zhang

No, he's an old white guy, very American, grew up very American, went to Harvard during the time when it was, like, four white people played baseball on the baseball team. Everything's with good intentions. But I think he might just be a little more old-fashioned.

Diane Wu

Alex actually knows Jim pretty well. They kept in touch after his interview. Their families became friends. Alex's mom helped teach Jim's wife how to drive. He gets dinner with Jim whenever he's back home.

Alex left our conversation feeling pretty fine about what he'd read. But then he stepped back into a campus caught in the force field of the lawsuit, where anything to do with race, and bias, and admissions felt hypercharged.

One of the biggest ways the lawsuit has shaken up Harvard is that certain statistics are now public, like the school said that without affirmative action, one out of two black kids wouldn't get it. Latino kids-- they'd lose one out of three. Kids whose parents went to Harvard, who are, by the way, mostly white have a seven times better chance of getting in than regular kids.

It's making students ask questions they'd rather not about how they got in. It's uncomfortable. I talked to two black students who chose not to see their files this fall. Both were worried it would say, let's take her because she's black. They didn't think it would, but still. One of them had the request form open on her computer for more than a week before she decided, nah, maybe senior year.

For Asian students, the question is the opposite. It's not am I here because of my race, but am I here in spite of it? It's cranked people's race goggles up to level 10. One of Alex's friends wrote on Facebook about a comment in her file. "She's a bright student, but what distinguishes her from other bright students?"

To her, this was racially coded. When she read it she saw, she seemed smart, but is there anything that makes her different from other Asian students? Well, if that was racially coded, Alex thought, you should see mine. He texted some close friends from his freshman year Chinese class.

Alex Zhang

I sent a couple screen grabs from my admissions file to them. I was like, hey, I can't get this off my mind. I didn't react that strongly to it until after I saw this stuff online. And now, I'm starting to feel pretty troubled by it.

Diane Wu

What was the part that was troubling to you?

Alex Zhang

My main trouble was, oh, does he feel like he needs to prove that I'm not like other Asians to the admissions office? And is that what it takes to get in nowadays? Most other college interviewers, I just talked for, like, an hour, an hour and a half. But Jim was doing a background check, you know? Why did he feel the need to do so rigorous of a background check?

Diane Wu

Alex's friends saw his screen grab saying tiger mom and perfect-for-MIT engineer and texted him back, oh, my god and that's kind of horrible. Tiger mom was actually a lot more explicit than any of the examples of bias that came up at the trial. It was really a fight over statistics and economic models, but a few stereotypes did come up. They were subtle. Things like Harvard referring to Asian applicants as one-dimensional or book smart.

Alex wanted to see what Jim was actually thinking when he wrote tiger mother. See if it really was a racial thing, like his friends were saying. So he gave him a call. Alex taped the call and with Jim's permission, sent it to me.

First, they catch up a little bit. Alex tells Jim about how he went to go see his file. He mentions an op-ed he co-wrote for the student newspaper.

Alex Zhang

Did you read the op-ed I wrote, by any chance? I don't think I sent it to you.

Jim McCandlish

Yes, you did send it. I read it, and I totally regret that I did not respond. It was very well done.

Diane Wu

It was very well done, Jim says.

Alex Zhang

Oh, really? You thought so?

Jim McCandlish

Yes.

Alex Zhang

I'm glad you thought so.

Diane Wu

They talk about the lawsuit. And before Alex can even bring up tiger moms, Jim volunteers his own ideas about implicit bias in admissions. He's been thinking about the effect of the interviewer's biases because--

Jim McCandlish

Most likely, at least certainly from a place like Oregon, the interviewer is Caucasian. And

we know there are stereotypes. I'm just curious how that plays out. If you have an expectation that an Asian interviewee is going to have a drab personality or meek and mild, you may play into your stereotype and not develop the rapport that would defeat the stereotype or at least resist it. You're in a really gray area of human nature.

Diane Wu

Jim, of course, went above and beyond to spend the time with Alex to get that rapport, to make sure he really understood Alex as an individual, not to write him off immediately.

Alex Zhang

So I'm actually kind of curious about some stuff you wrote. Yeah, so you wrote five pages of notes. There's probably 2,000 words at least.

Jim McCandlish

[INAUDIBLE]

Alex Zhang

Yeah, and most of that was in the personal quality section, which I was the most curious about reading.

Jim McCandlish

OK. So here I am right on the edge. What do they say?

Diane Wu

It takes another eight minutes for Alex to get the nerve to bring it up-- tiger mom.

Alex Zhang

You mentioned that you asked her about my parents.

Jim McCandlish

Yeah, I was trying to figure out whether or not you were basically driven by the parents in any way.

Alex Zhang

You use the term tiger mother, saying my mom's not like that. That's very much affiliated with Asian parenting. So when I read that, it just was a little unexpected.

Jim McCandlish

Well, recall, I live with one.

Diane Wu

I live with one, Jim's saying. He's talking about his wife, who is Chinese. They have a young daughter.

Jim McCandlish

I live with a tiger mom and fight it all the time.

Alex Zhang

You think that's a particularly Chinese thing?

Jim McCandlish

I think the Chinese on the west side have a very definite, strong influence that way.

Diane Wu

West side-- Jim's talking about the wealthier side of Portland where he and Alex lived.

Jim McCandlish

No question in my mind.

Alex Zhang

Huh, gotcha. Because for me, it's kind of like, if you had a Chinese applicant, would you be suspicious that perhaps their parent or their mom was like that?

Jim McCandlish

If I saw somebody, Alex, that had their fingers in a lot of pies, and I had no way to ascertain the depth of what they were doing-- what I'm looking for and looked for was the person who was thriving on their own, that is self-motivated. And it isn't just Chinese. I use that term because I'm an Amy Tan Fan.

Diane Wu

Amy Tan wrote *The Joy Luck Club*. Apparently, after this conversation, Jim's wife told him that she did not also write *Battle Hymn of the Tiger Mother*. That was Amy Chua. His wife offered to buy him the book.

Jim McCandlish

But anybody I interview, the longer I did it, the more suspicious I was.

Diane Wu

After doing these interviews for 20 years, Jim was not naive to kids puffing up their extracurriculars or getting coached on how to act in the interview. He's saying he was tough on everyone.

I talked to Jim later. He didn't want to be recorded, but he was open about what he wrote. He told me, yeah, part of what he was doing was overtly pointing out to the admissions officers that Alex was different from other Chinese-American applicants. That this young man did not fit whatever stereotypes that he or the admissions officers might have. And his no-holds-barred strategy to get Alex in, it seemed to work.

The first reviewer, who went through Alex's file before his interview, wrote, "hope the alumni interview can add." The next reviewer saw Jim's report, then wrote, "interview in and is pretty remarkable for its in-depth review, comes out in the right place and is reassuring."

Besides his write-up, Jim gave Alex a personal rating of 1, the highest possible score. He gave Alex ones across all categories. The official admissions officers were not as effusive. They gave him a 2 for his personal rating, twos and threes for the rest. Wrote that his personal qualities seem to be still evolving.

Alex Zhang

After I read mine, my impression was that if you hadn't written such an in-depth, positive review that I probably wouldn't have gotten it, which is kind of an interesting thought.

Jim McCandlish

That's surprises me. You were at the top of everything. That surprises me. I thought I was

a gravy.

Alex Zhang

Yeah, I really appreciate how much you did.

Jim McCandlish

Well, I appreciate you. So how was New York?

Diane Wu

They go on to talk about Alex's summer job in Manhattan, the classes he's taking this fall. Jim starts in on a story about his kid before telling Alex, oh, hey, turn that recorder off.

I met up with Alex again after that phone call. He wasn't totally satisfied by it, thought Jim didn't get the gravity of tiger mother, hadn't thought it all the way through. But he had no hard feelings.

Though when Alex thought more about tiger mother, he realized, it was not just the use of the term that unsettled him, but also, the assumption that it was a bad thing in the first place. Something that Harvard would want to make sure none of its students had.

Alex Zhang

This idea that a tiger mom would even be-- I know it is a thing in our culture for a lot of parents, but also is weird that there's a fixation on that by American society. Also, the question is, why does it matter if your parents pushed you in that way? Is that not part of your upbringing and who you are now?

I don't know. There seems to be these very negative connotations about the way Asians are raised or the way that they behave growing up. And it just seems like there's this very deeply ingrained prejudice and misunderstanding.

Diane Wu

Alex, personally, was grateful for when his mom pushed him when he was younger.

Alex Zhang

I remember in high school, my mom was gave me a lot of pressure. Make sure you connect with the teachers and talk to them during break time, so they can get to know you, because it's really important. They're going to have to write you recommendations. And I didn't want to do it, but I guess I had to.

Diane Wu

Your mom was on the ball.

Alex Zhang

Yeah, she's really on top of stuff, which is really good. Because she did it without killing me, overworking me. She's a really good mom.

Diane Wu

In race-conscious admissions, it's not just the university that's conscious of race. It's also the applicants themselves. Almost all the students of color I asked had considered whether and how to portray their race in their package. Just one white student had.

Alex is from a mostly white neighborhood in Portland, Oregon. Growing up, his

classmates often couldn't see past his race. They teased him for having a flat face, about being a nerd. One girl exclusively called him Asian instead of Alex.

In middle school, he started playing basketball, partly to downplay his Chinese-ness, fit in with the white kids. Out on the court, though, someone would still always call him Yao Ming. But he didn't write about any of that in his personal essay.

Instead, it's about how he transforms from a lonely elementary school kid playing video games by himself to big man on campus at his high school.

Diane Wu

You didn't talk about race in your essay. That's not the topic. It doesn't mention race at all. Was that part of the subtext of what you were writing, looking back on it?

Alex Zhang

Probably, yeah. In high school, I had a lot of internalized hatred about being Asian. I had this whole perception that I needed to differentiate myself. So I think one of my views is that, oh, we aren't seen. This also goes to myself being really cautious of the system or potential biases.

So I was like, oh, I probably need to show that I have been more social, or I have been a leader, have done these cool things.

Diane Wu

It struck me that it might be that while you were preparing your application, you were making some similar-ish calculation to maybe what Jim was making.

Alex Zhang

Yeah.

Diane Wu

Not I want to differentiate myself from all other applicants, but I extra want to differentiate myself from other Asian applicants.

Alex Zhang

Probably. And again, looking back, I don't like it in the same way that I don't like if Jim would have had to talk me up just because I'm Asian. I don't like that I [INAUDIBLE] that way if it was because of that.

Diane Wu

I asked Alex if what he saw in his file shifted his position at all in the lawsuit. No, he said. To him, tiger mom was weird for sure, but it wasn't discrimination. It didn't sway the argument one way or another. For Alex, what he saw in his file, what his friends have been seeing, it's more personal.

Alex Zhang

A lot of the comments my friends have been making and stuff, they're not things that make as much of an argument for either side as much as, like, oh, this is what being Asian is like.

Diane Wu

In other words, even when you make it into one of the fanciest colleges in the world,

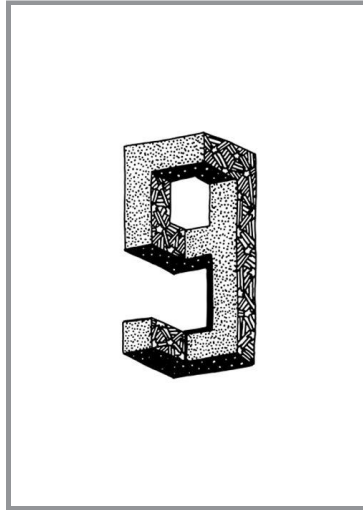
when you finally feel like people see you for who you are, your whole complicated self, just one word or phrase can snap you out of it. Remind you, right, right, this is how they see me. This is how it really works.

Ira Glass

Diane Wu is one of the producers of our show.

Conflict Between Proposed Title 9 Rules and California Policy?

Thursday, December 13, 2018



Inside Higher Ed carries an article today about potential conflicts between proposed changes in Title 9 rules put out by the U.S. Dept. of Education and policies in various states including California:

...California's definition of sexual assault, as included in the Donahoe Higher Education Act, is also much broader than the federal definition. It is as follows:

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"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.*
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.*
- (c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.*
- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.*

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The University of California System was perhaps the most vocal in criticizing DeVos's plan right away, issuing a statement last month denouncing several of the projected changes, including that institutions must now hold live hearings to adjudicate sexual violence cases and the adjustment to the sexual harassment definition. California's governor, Democrat Jerry Brown, in 2017 vetoed a bill that would have put the Obama-era rules into state law. At the time, Brown said that state and federal actions may have unintentionally led to due process being violated, and that he would instead convene a "group of knowledgeable persons" that would help develop a sexual harassment policy

for the state.

Suzanne Taylor, the interim systemwide Title IX coordinator, said in an interview that UC is preparing to provide comment to the department and that it is studying how the regulations may diverge from the state's laws...

Full article at <https://www.insidehighered.com/news/2018/12/13/state-law-likely-conflicts-devoss-title-ix-proposal>

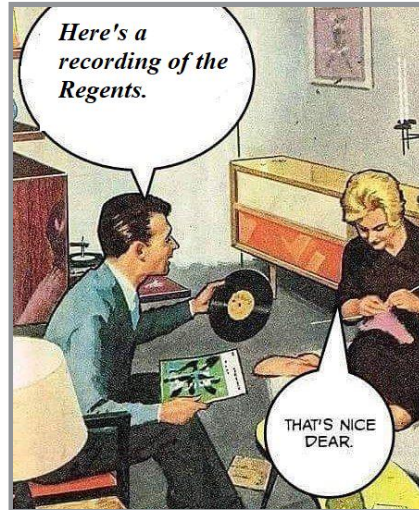
Editorial comment from yours truly: UC has a grievance-and-arbitration arrangement applicable to union-represented employees under the various contracts it signs. Employees penalized for misconduct can avail themselves of these arrangements. Typically, such systems involved a hierarchy of internal review steps and, ultimately, a decision by an outside neutral. There is a long history of external courts generally deferring to such systems because of the due process they provide. And there is a recent history of courts not deferring to internal university Title 9 systems because of due process issues.* Undoubtedly, such systems would have to be modified to handle Title 9-type complaints outside the union-management realm. But it wouldn't hurt to look at such arrangements as a starting point. Indeed, presumably union-represented employees at UC who are accused of Title 9-type violations and penalized for them already have grievance-and-arbitration access. Everyone might benefit from a fresh starting point rather than simply reacting to Dept. of Education initiatives.

*Here is the most recent example in a case from USC:

<https://www.law.com/therecorder/2018/12/12/court-grants-new-hearing-to-usc-student-expelled-over-rape-charge/>

Listen to the Regents Health Services Committee Meeting of Dec. 11,...

Thursday, December 13, 2018



We're catching up with the Regents' Health Services Committee that met in an off-cycle session on December 11th. There were two points of special interest. One was an extended discussion of some arrangements whereby UC hospitals, some of which are at capacity, form partnership arrangements with other area hospitals to pick up some of the load. Of particular concern to the Committee were arrangements with Catholic hospitals, particularly with regard to such areas as abortion, sterilization, birth control, in vitro fertilization, and end-of-life situations. These areas may or do involve conflict with Catholic religious beliefs. Various assurances were given that the partnerships would not prevent UC patients from having services in these areas.

The other topic of special interest was the area of "disruptive behavior" by medical staff. As it turned out, the discussion - at least to the ears of yours truly - was quite general. Particular cases were not discussed.

You can hear the session at the link below:

or direct to:

<https://archive.org/details/Health121118Edit>

10 Chancellors

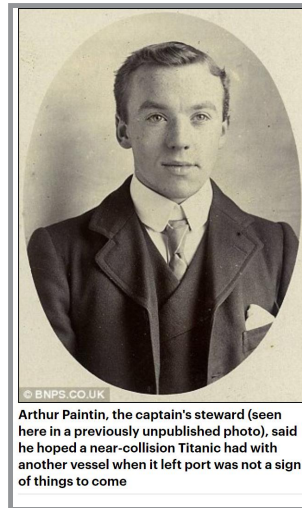
Thursday, December 13, 2018



The letter above - which appears (based on a web search) to have been made public on Dec. 11 - apparently is in response to a conference held at UCLA during the fall quarter by a group promoting an Israel boycott.

Stewardship

Thursday, December 13, 2018



Stewardship? Yours truly might have chosen another word, but...

To: Members of the Academic Senate

Dear Colleagues: Every five or so years after the initial appointment of a Chancellor, the Academic Senate conducts a " **stewardship**" review. The review is an evaluation of the Chancellor's leadership qualities as we have perceived them during the preceding period. UC President Janet Napolitano has asked me to initiate Chancellor Block's second stewardship review. I am enclosing a letter from President Napolitano inviting your participation in the review process. The stewardship review supplements the performance reviews that the President conducts annually for each Chancellor. These five-year reviews provide the President and the Chancellor with important feedback from a wide range of Senate members on the Chancellor's leadership and decision-making abilities, his administrative and managerial skills, and his ability to represent the campus. The review is intended to identify both strengths and areas for improvement. I invite all members of the UCLA Academic Senate to submit confidential letters for consideration by the ad hoc committee that will conduct the stewardship review. You may email your comments to UCLA.Chan.Review@ucop.edu, **a private mailbox for the exclusive use of the review committee**. If you prefer, you may submit letters to the Systemwide Senate office (c/o Hilary Baxter, Academic Senate Executive Director, 1111 Franklin St., 12th floor, Oakland, CA 94607). Letters should be received no later than Friday, February 1, 2019. Although all letters are confidential, the Chancellor may request copies that have been redacted to remove identifying information such as letterhead or signature block. The text of the letters will not be revised to remove other identifying information. For your convenience, we have created a stewardship review section on the UCLA Senate homepage. On this site, you can download the *Criteria to Guide Chancellor Review Committees*. We also have posted a *self-statement from Chancellor Block* including his reflections on the past five years, the current state of the campus, and his vision for the future. The system of shared governance gives faculty, through the Academic Senate, a strong voice in the operation of the University. I urge you to participate in shared governance by providing your assessment of Chancellor Block's leadership. If you have any questions about the review process, please do not hesitate to contact UC Senate

Executive Director Hilary Baxter at Hilary.Baxter@ucop.edu. Thank you in advance for your participation in this important review. Sincerely, ***Joseph Bristow***
UCLA Academic Senate Chair

Forecast Video

Friday, December 14, 2018



We had earlier posted about the December UCLA Anderson Forecast.* For those interested, the various presentations are now online. Here is the California segment:

or direct to:

<https://www.youtube.com/watch?v=FWTC1V1Hddw>

Links to the full conference are at:

<http://www.anderson.ucla.edu/centers/ucla-anderson-forecast/december-2018-economic-outlook>

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* <https://uclafacultyassociation.blogspot.com/2018/12/december-forecast.html>

Allegation of Hostile Work Environment at a Professional Academic A...

Saturday, December 15, 2018

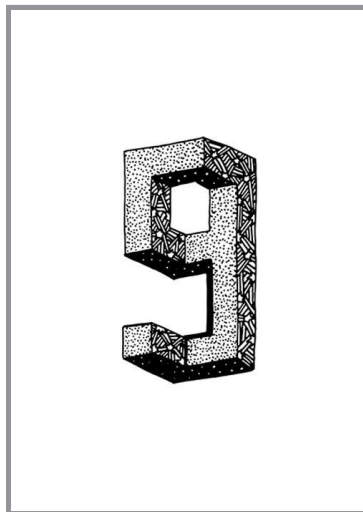


Harvard is in the news, not just with regard to the admissions litigation, but with a Title 9 matter that has spread beyond the campus. Blog readers will recall that back in October, the American Economic Assn. (AEA) made the following statement on its website:*

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A post from the Executive Committee 10-15-18

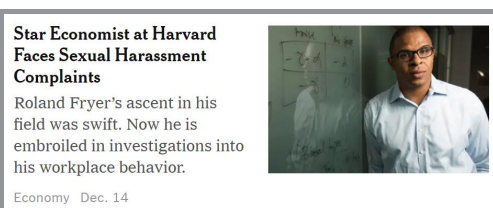
It has come to our attention that one of the recently elected candidates for office of the American Economic Association is the subject of allegations, being accused of creating a hostile work environment. Neither the Nominating Committee, nor the Executive Committee knew of such allegations at the time of nomination. We also believe that few of the members knew of the allegations at the time of the election.



We take such allegations seriously, but they are, at this point, just allegations. While the home institution will neither deny nor confirm the existence of an investigation, we understand that one is underway, and may come to some conclusions in the not too distant future. We have decided that, before proceeding further, we should wait for those conclusions, if they are made public and they come within a reasonable amount of time. If not, we shall reexamine our position.

One conclusion we already draw is that, in the future, we shall ask potential nominees if they are the subject of an investigation. This will help avoid such situations going forward.

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At the time, as we reported, the individual involved, although not named in the notice above, was in fact known to be a prominent Harvard economist. The Harvard Crimson had reported on this matter, although not in connection with the AEA, much earlier (in May).** As of this morning, the individual is still listed on the AEA website as an incoming elected member of the AEA Executive Committee, a prestigious post.*** However, the AEA has its annual meeting in Atlanta in less than a month, and presumably some resolution will need to be found between now and then. The matter has been pushed to the fore by a NY Times article that appeared yesterday:****

On verra.

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* <http://uclafacultyassociation.blogspot.com/2018/10/allegation-of-hostile-work-environment.html>

** <https://www.thecrimson.com/article/2018/5/22/fryer-investigation/>

*** <https://www.aeaweb.org/about-aea/leadership/election-winners>

**** <https://www.nytimes.com/2018/12/14/business/economy/harvard-roland-fryer-sexual-harassment.html>. The Harvard Crimson reported that the university investigation had concluded in late November: <https://www.thecrimson.com/article/2018/11/28/fryer-investigation-concludes/>. It reported on a second investigation a few days ago: <https://www.thecrimson.com/article/2018/12/10/fryer-second-investigation/>

Robot Requiem

Sunday, December 16, 2018



From the Daily Cal, 12-14-18:

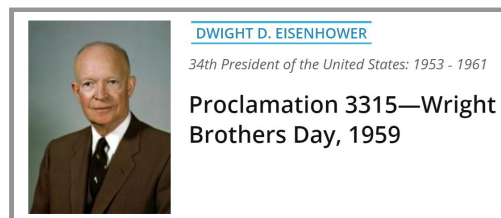
Describing the robot as a “hero” and a “legend,” UC Berkeley students expressed their grief on Facebook as news of a fallen KiwiBot reached the campus community. About 2 p.m. Friday, a KiwiBot — one of the more than 100 robots that deliver food throughout the campus and city — caught fire outside the Martin Luther King Jr. Student Union. According to Sasha Iatsenia, head of product at Kiwi, the company is still working with UCPD to investigate the cause of the fire. Nothing like this has ever happened before, Iatsenia said. UCPD could not be reached for comment as of press time... Full story at <http://www.dailycal.org/2018/12/14/kiwibot-catches-fire-outside-mlk-student-union/> We are at a loss for words, which is a problem if you don't have the right words for robots:

Wright Ike

Monday, December 17, 2018



Not a lot happening in the university as we get into this time of year. So here is a phone of ex-President Eisenhower getting an honorary degree from UCLA in April 1965 (or maybe 1963).* Clark Kerr is at right. There is no particular reason to show this photo today EXCEPT that Eisenhower, as president, declared December 17th to be Wright Brothers Day back in 1959. (Dec. 17th is the anniversary of the first flight by the Wright brothers in 1903.)



Source and text of proclamation:
<https://www.presidency.ucsb.edu/documents/proclamation-3315-wright-brothers-day-1959>

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*For the source of the uncertainty on the year, see:

<https://uclafaculty.org/2010/09/08/ucla-history-honorary-degree-in-63/> and
<https://uclafaculty.org/2011/02/20/ucla-history-former-president-receives-honorary-degree/>

Should Every Campus Do Everything?

Monday, December 17, 2018



*UC Merced is growing and changing and one of the biggest changes will be a **new standalone business and management school**.*

The university is working to create a new interdisciplinary school, one that university officials are calling the "management school of the future".




"We're taking existing programs, putting them together and focusing them together on this complex system," Gallo School Planning Initiative Director Paul Maglio said.

The new Gallo school will bring together educators from the schools of engineering, natural sciences and humanities to teach students under one main focus. The university is already known for its focus on research and science, and the new school will be incorporating those science components into their program...

Full story at <https://abc30.com/education/uc-merced-is-working-to-open-a-new-management-school/4898598/>


Transfer Rank

Tuesday, December 18, 2018

Money These Are the 10 Best Colleges for Transfer Students...   

See the top 10 colleges for transfer students below, and check out [more rankings here](#).

1. University of California-Los Angeles



University of California-Los Angeles Kyle Alexander - Courtesy of University of California-Los Angeles

- Overall Money rank: 4
- Share of transfer students who earn a degree within 4 years: 90%
- Deadline for transfer application: 11/30 for initial application; 1/31 for Transfer Academic Update

UC-Berkeley came in at #2. For more on this ranking, see:
<http://time.com/money/5479015/2018-best-colleges-transfer-students/>

Complicated

Wednesday, December 19, 2018



Excerpt from a recent email that arrived from the powers-that-be:

Important Information About Your 2018 W-2s

For the 2018 year, all UCLA employees will receive two (2) W-2s for this year's earnings:

- One (1) for earnings before the UCPATH go *[sic]* live. This W-2 will be available in AYSO (hyperlink).
- One (1) for earnings after the UCPATH go *[sic]* live. This W-2 will be available in the UCPATH Portal. As a reminder, your designated W-2 delivery option (mail or online options) in AYSO transferred over into UCPATH at the time of go-live. If you have not already signed up to receive an electronic W-2, the deadline for requesting one for your 2018 tax information is January 18, 2019. To sign up for electronic W-2s or confirm your designation, take the following steps:

1. Login to UCPATH Online 2. Select **Employee Actions** 3. Select **Income and Taxes** 4. Select **Enroll to Receive Online W-2** If your current status says **CONSENT RECEIVED**, then you do not have to do anything — you're already signed up to receive your W-2 electronically. Once you've signed up, all notifications pertaining to your W-2/W-2c will be sent to your preferred email address on file in the UCPATH system. Please verify that your email address is correct in UCPATH. Important security reminders about your W-2

Remember that UC **does not** send actual W-2 statements to employees by email or text. You must sign in to your UCPATH account to view your electronic W-2 (if you enrolled to receive one). *If you receive an email or text that has a link or an attachment for viewing your W-2, it is a phishing scam designed to gain your private information. Do not open any attachments or click on any email links that claim to give you access to your W-2!* To access your electronic W-2 statement, always go directly to your UCPATH account using a safe, known link.

Allegation of Hostile Work Environment at a Professional Academic A...

Wednesday, December 19, 2018



Follow up on our previous posts:*

From Inside Higher Ed this morning: *The American Economic Association on Tuesday announced that Roland Fryer resigned from its executive committee.* ** Fryer, the Henry Lee Professor of Economics at Harvard University and faculty director of the Education Innovation Laboratory, was elected to the committee earlier this year. But it soon emerged that he was under investigation for harassment at Harvard. The association said it was previously unaware of the allegations against Fryer and would wait for the conclusion of the investigation to act. The New York Times recently obtained a copy of one investigation that found Fryer had sexually harassed lab workers. Fryer did not respond to a request for comment.

Source: <https://www.insidehighered.com/quicktakes/2018/12/19/roland-fryer-resigns-econ-association-post>

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* <http://uclafacultyassociation.blogspot.com/2018/12/allegation-of-hostile-work-environment.html> and <http://uclafacultyassociation.blogspot.com/2018/10/allegation-of-hostile-work-environment.html>

** <https://www.aeaweb.org/news/roland-fryer-announcement-dec-2018>

A Grin-and-Bear It Story

Thursday, December 20, 2018



From the LA Times: *Two young men have been arrested in connection with last month's vandalism of a UCLA statue in the week leading up to the university's big game with crosstown rival USC. Louie Torres, 19, and Willie Johnson, 18, were arrested Wednesday at their homes on suspicion of conspiracy and felony vandalism, UCLA police Lt. Kevin Kilgore said. The two were being held in lieu of \$10,000 bail.*

Neither man has any affiliations with USC or UCLA, Kilgore said.

Vandals pried open a wooden case that was protecting the Bruin Bear on the UCLA campus about 2 a.m. Nov. 13 and doused the well-known statue with red and yellow paint, resulting in \$15,000 in damage. The destruction was discovered days later...

Full story at <https://www.latimes.com/local/lanow/la-me-ln-bruin-bear-vandalism-arrests-20181219-story.html>

We'll post again when more facts if and when more facts are known. So bear with us until then. We may have barely gotten into this story. And sometimes things aren't what they appear:

Open vs. Closed - Part 2

Thursday, December 20, 2018



Opinion piece from a UCLA faculty member on the Elsevier matter:

The Trouble With Institution-Led Boycotts

By John Villasenor, Chronicle of Higher Ed, 12-19-18

John Villasenor is a professor of engineering, public policy, and management and a visiting professor of law at the University of California at Los Angeles. He is also a nonresident senior fellow at the Brookings Institution.

When, if ever, should colleges advocate boycotts? The question is particularly relevant in light of last week's memorandum, signed by a top University of California at Los Angeles executive, urging the faculty to engage in what amounts to a boycott of an academic publisher, Elsevier. The precedent will most likely lead to a host of unintended consequences.

Elsevier is home to about 2,500 journals that in 2017 published more than 430,000 articles. The University of California system is paying more than \$10 million to Elsevier in 2018, and with the current multiyear contract set to expire at the end of December, the system and Elsevier have been in high-stakes negotiations over a new contract.

Last week's memorandum was addressed to all UCLA faculty members and was signed by UCLA's executive vice chancellor and provost as well as by the chair of the Academic Senate and by the university librarian.

Titled "Important Notice Regarding Elsevier Journals," it urged UCLA faculty members to consider "declining to review articles for Elsevier journals until negotiations are clearly moving in a productive direction," "looking at other journal-publishing options, including prestigious open-access journals in your discipline," and "contacting the publisher, if you're on the editorial board of an Elsevier journal, and letting them know that you share the negotiators' concerns."

While some have characterized the call for a boycott as faculty-led, the signature of the executive vice chancellor and provost provides a clear institutional imprimatur. And now that UCLA has opened the door to institution-advocated boycotts, where might it lead?

Consider the Boycott, Divestment, and Sanctions (BDS) movement against Israel. BDS, which I personally do not support, has gained significant momentum on college campuses in recent years. If BDS advocates at UCLA pressure the administration to support the movement, the response can no longer be that "UCLA doesn't take institutional positions on boycotts." Rather, UCLA will now have to come up with a framework to decide which types of boycotts the institution can endorse.

How might the UCLA administration approach that challenge? There's no good answer... It's a conflict of interest when college administrators ask faculty members to take actions that reduce their publication options. To be promoted, professors are told they should publish in top journals. Yet now UCLA professors in fields whose top journals are published by Elsevier face an unenviable choice that places their publication interests in tension with the administration's boycott recommendation...

Now that UCLA is in the business of institution-advocated boycotts, I hope that the administration has a plan for handling the inevitable calls for boycotts that will start landing on its doorstep in the future.

Full column at <https://www.chronicle.com/article/The-Trouble-With/245367>.

Brown's Pension Oblivion

Friday, December 21, 2018



In his last days in office, Gov. Jerry Brown is warning about a "**fiscal oblivion**" if a state Supreme Court case prevents a modification of the "California Rule."* The Rule prevents public pension take-aways once benefits are promised.

UC has several times modified its defined-benefit pension for new hires. It has never sought to violate the California Rule. The problem is that UC tends to be dragged along into the larger mix when problems arise with CALPERS and CALSTRS, both of which have underfunding problems and issues of governance and management that do not characterize UC.

In any event, the court case should be decided and announced soon in the coming year.

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* <https://www.sacbee.com/news/politics-government/the-state-worker/article223385445.html>

Acronym-Filled Memo of the Year Award

Saturday, December 22, 2018



December 21st brought the first day of winter and the emailed memo below which has at least five acronyms, not counting "UCPath" and "HR." And maybe cognoscenti will be able to derive useful information from it:

Please distribute this broadcast to employees in your organization. To: UCPath Initiators, Approvers and HR/Benefits Representatives Re: PIE for Employees with Newly-Eligible Domestic Partners As you know, the University has changed the benefits eligibility policy for domestic partners and we gave employees the opportunity during Open Enrollment to enroll domestic partners who will be newly-eligible as of 1/1/2019. Employees with domestic partners who are newly-eligible due to the policy change will have a PIE from January 1 – 31, 2019. If an employee missed the opportunity to enroll the newly-eligible partner during OE, the employee may enroll the partner during this PIE (assuming the partner meets all eligibility criteria). In accordance with the GIRs, in addition to enrolling the partner, the employee may change their benefits elections (such as choose a different medical plan or adjust life insurance coverage level) during this PIE.

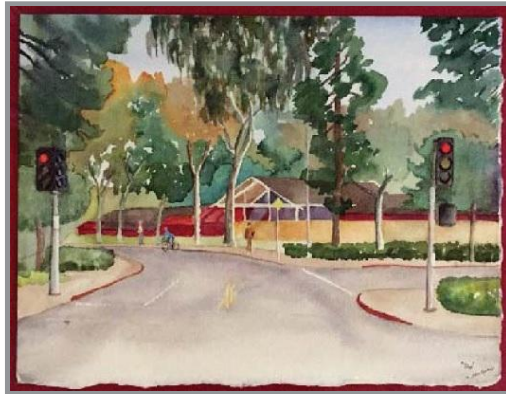


PIE? Please remember that if employees want to enroll their partners in Dependent Life coverage, they need to do so during this PIE. AD&D coverage may be added any time after January 1, 2019. Employees on UCPath who enrolled a domestic partner in medical coverage during OE will get an email reminding them of this opportunity to enroll in Life and/or AD&D. Employees on UCPath may use the "Life Event" function to enroll their domestic partner in Life and AD&D coverage, while employees on PPS will need to submit a UPAY850 form. We have heard that a few employees who enrolled their domestic partner in benefits during OE have changed their mind due to the impact of imputed income. A newly-eligible domestic partner enrolled during OE may be disenrolled during the PIE. If a premium for January 2019 has been deducted from the employee's

paycheck, it may be reimbursed to the employee, provided that the partner has not incurred claims under the plan(s) in which they were enrolled. Thank you. Happy Holidays!
Isabella Buckman
Benefits Analyst

Faculty Center Donations

Sunday, December 23, 2018



Although we haven't done so in the past, below we are passing on a request from the UCLA Faculty Center for tax-deductible donations. The Faculty Center has made considerable progress, both in reaching an accord with the powers-that-be at the University with regard to its physical house and in putting its fiscal house in order over the past year or so. Apparently, for various reasons, the new accord must be approved at the UC level, but that seems likely to occur. To donate online, go to: <https://www.giving.ucla.edu/Standard/NetDonate.aspx?SiteNum=461> If you prefer to donate by check rather than online, make your check out to the UCLA Foundation and mail it to UCLA Faculty Center, 480 Charles E. Young Drive, Los Angeles, CA 90095, specifying Faculty Center General Support or Modernization Fund on the notation line.

Foggy

Monday, December 24, 2018



At 7:25 AM this morning, the Bruin Cam at Powell Library captured this image of Royce Hall, not that there were any folks on site around to notice on December 24th.

Pension Outlook

Monday, December 24, 2018

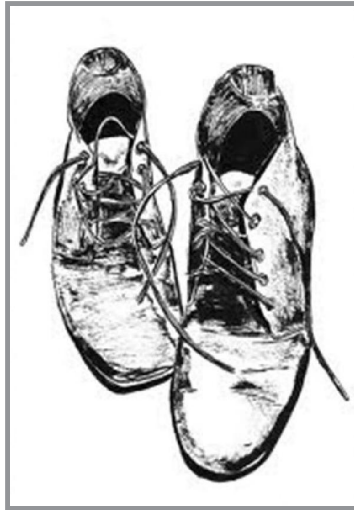


Look for a not-so-bright report on the UC pension and endowment the next time the Regents' Investments Subcommittee meets. The next full Regents meeting is January 16-17, so there is not a lot of time for some good investment news to come along.

Shoes

Tuesday, December 25, 2018

Today's appropriate selection:



The Bootblack's Christmas

A bootblack slept in a dry-goods box, it was on one Christmas eve;
Tho' all alone in his scanty home, in Santa Claus he did believe.
He slept on rags and straw, then placed his little shoes outside,
Just as he had hung his stockings up, before his mother died.
The night rolled on and no Santa came, but a thief crept soft and low,
And he stole away those little shoes, that were left standing in the snow.

Sad, sad, indeed, to see the lad standing in the storm alone
Beside the empty dry-goods box that served him as a home;
And the look of disappointment-Santa Claus did him refuse-
But saddest of all was to hear him call, Santa Claus bring back my shoes.

But a moment's time had scarcely passed, till I was beside the lad;
"What makes you weep, my dear boy?" I said; "Have you indeed not got a dad?"
"Oh! no, kind sir," he said, with a beseeching look to me,
"My poor mother died a year ago, papa was lost at sea."
I started back when I heard his tale, for I was returning home;
Then I scanned his face, what did I trace? it was the outline of my own.

Thank God, indeed, to find my boy, although in the storm alone,
Beside the empty dry-goods box that served him as a home;
I dispelled his disappointment-Santa Claus will not refuse-
For your father has come, my own dear son, I will buy for you new shoes.

I grasped the box, as I held my child in a father's fond embrace;
I could feel that my brain was whirling, And the hot tears rolled down my face.
On a whale-ship I sailed, for a six month's voyage to sea;
I was wrecked And cast on foreign shore, where none could hear from me.

The truth was clear, my wife so dear, from earth had passed away;
I play'd the part, with a broken heart, of Santa Claus that Christmas day.

Newsom at the Regents

Wednesday, December 26, 2018



Both the governor and the lieutenant governor are *ex officio* members of the UC Board of Regents. Before Jerry Brown, however, governors rarely attended meetings of Board. Brown did attend and tended (of course) to overshadow Gavin Newsom as lieutenant governor when he did. But starting on January 7th, Newsom will move to Brown's seat, and will have a lot more to do with budgetary matters than he did in his former role.

Newsom has tended to vote against tuition increases and high salaries. Both positions were politically popular and, in the end, didn't matter since a majority of the Board usually approved them. Will he continue that approach as governor? No one knows. But here are a few comments by Newsom from past Regents meetings:

Back in 2012, when Prop 30 (Brown's proposed tax increase to deal with the budget crisis) was on the ballot, he criticized the governor for saying Prop 30 would prevent tuition increases:

He criticized high athletic coach pay in 2014:

He was skeptical about a UCOP presentation on supposed cost savings in 2015 and questioned omission of cost overruns on UCPath:

And he worried about a delayed pension payment in 2018:

Perhaps there are some clues in this record. But in the end, the prognosis is unclear.

The Livermore Case on Retiree Health Entitlements

Thursday, December 27, 2018



Livermore employee/plaintiff Joe Requa in 2011 Back in 2010 and 2011, this blog noted the case of a group of Lawrence Livermore National Lab employees who sued the Regents on the grounds that they were entitled to retiree health care even though the Lab's management had changed.* Livermore was originally managed by the Regents, but later was administered by a consortium including the Regents. The case was known as (Joe) Requa v. Regents. It is now known as Moen v. Regents.

The case raises the issue more generally of whether UC employees have a vested right to retiree health care (as they do to a pension) even though the Regents current position is that retiree health care is a nice thing they voluntarily provide but that the benefit is not an entitlement.

The wheels of justice have been grinding slowly. A ruling on December 12 says effectively that the plaintiffs should not be viewed as a single class but have to be divided because, over time, the promises made in the employee handbooks describing retiree health have become more qualified.

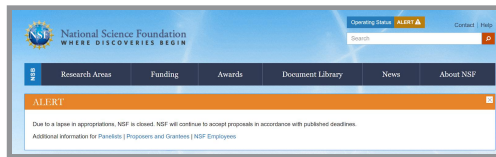
You can find the decision below:

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* <http://uclafacultyassociation.blogspot.com/2011/01/livermore-retirees-sue-university-over.html>, <http://uclafacultyassociation.blogspot.com/2011/06/judge-dismisses-livermore-lab-retirees.html>, and <http://uclafacultyassociation.blogspot.com/2010/10/uc-manhattan-project-legacy-potentially.html>. See also <http://uclafacultyassociation.blogspot.com/2013/01/promises-promises-on-uc-retiree-health.html>, <http://uclafacultyassociation.blogspot.com/2017/03/deeper-significance.html>, <http://uclafacultyassociation.blogspot.com/2017/08/quoth-lawyers-livermore.html>, and <http://uclafacultyassociation.blogspot.com/2017/12/promises-not-forever.html>.

Got Grants?

Friday, December 28, 2018



From the website above: *Due to a lapse in appropriations, NSF is closed. NSF will continue to accept proposals in accordance with published deadlines.* **Information About the Government Shutdown for NSF Proposers and Grantees**

This document addresses the various assistance and contract-related policy and systems issues that may arise during a lapse in appropriations of the Federal Government. NSF is providing this information as a service to our proposer and awardee communities in the hopes that it will address most of the questions you may have during this time period. Unfortunately, considerable uncertainty exists surrounding a lapse in appropriations. As a result, proposers and awardees are strongly encouraged to monitor news outlets to determine if the Federal government, and therefore NSF, is open for business.

Please be aware that, except as noted below, NSF will not be available to respond to emails or phone calls during a lapse in appropriations, but will respond as soon as practicable after normal operations have resumed. NSF is committed to minimizing the negative impacts a disruption may have on the science and engineering enterprise and, as necessary, will issue follow-on guidance after normal operations resume.

Pre-award Activities for Assistance Awards (Grants and Cooperative Agreements)

Proposal Preparation & Submission

- *No new funding opportunities (Dear Colleague Letters, program descriptions, announcements or solicitations) will be issued.*
- *FastLane and Research.gov proposal preparation and submission will be available; however, proposals will not be processed until normal operations resume.*
- *Grants.gov proposal preparation and submission will likely be available; however, proposals will not be processed until normal operations resume.*
- *Responses to any inquiries received regarding upcoming deadlines, including proposal preparation, will be deferred until normal operations resume.*

Impact on Existing Deadlines

During a lapse in appropriations, NSF will continue to accept proposal submissions pursuant to existing deadlines.

Source: <https://www.nsf.gov/shutdown/grantees.jsp>

Got Grants? - Part 2

Friday, December 28, 2018



For NIH:

Applicants are strongly encouraged not to submit paper or electronic grant applications to NIH during the period of the lapse.

Grants.gov will be open and can accept electronic applications. However, applications will not be processed by NIH until the eRA Systems are back on-line.

Adjustments to application submission dates that occur during the funding lapse will be announced once operations resume.

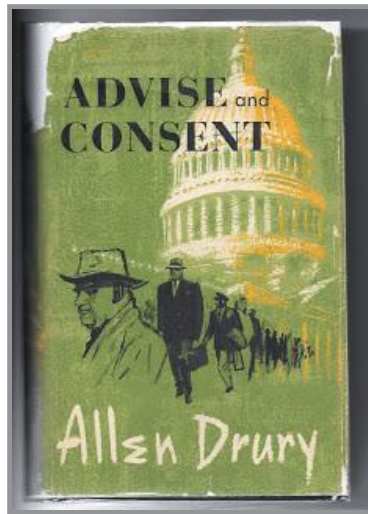
NIH will not be able to conduct initial peer review meetings or advisory council review. When operations resume, those meetings will be rescheduled and the pending applications will be processed and reviewed as soon as possible.

No NIH grant awards will be processed for the duration of the funding lapse. For any awards processed before the funding lapse that have an issue date during the funding lapse, the awards will not be sent to the grantee on the issue date. Once operations resume, all pending Notices of Award will be sent.

See: <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-13-126.html> and <https://www.rpi.edu/dept/finance/docs/research/GovernmentShutdownTable.pdf>.

Advise - But Not Consent

Saturday, December 29, 2018



Not so much at the Regents Student leaders say they'll fight UC regents' plan to eliminate adviser position

Nanette Asimov, Dec. 28, 2018, [San Francisco Chronicle](#)

University of California student leaders said Friday they will fight a plan to scrap UC's student-adviser program, an experiment in its second year that allows a student to join in regents meetings and try to influence policy — but not vote.

Only two other students participate fully in the meetings and can interact with the university's top decision makers at the table and behind the scenes: the student regent, who votes, and the student regent-designate, who doesn't.

On Friday, student leaders who were scattered around the state on holiday break said they were forced to respond to an unexpected letter from a regents committee, including student Regent Devon Graves, recommending that the regents vote in January to eliminate the student adviser beginning next fall. The letter also implied that student leaders across UC are on board with that plan.

"All of the student leaders I've talked to are very opposed to this change, and feel that it was very misleading for the letter to characterize us as supporting" the proposal, said philosophy student Michael Skiles, student body president at UCLA and graduate chairman of the UC Council of Student Body Presidents.

He and other student leaders met by phone Friday and agreed to urge the regents not only to keep the student advocate, but also to clarify and improve the job.

"The role was recognized as unique and valuable to students, and we agreed that there could be more done to develop and strengthen the position," said Edward Huang, a UC Berkeley senior studying applied mathematics who is this year's student adviser to the regents.

The debate raises questions about how much influence students should have in running UC, and how any expansion should be achieved.

The regents oversee the autonomous \$30 billion university of 10 campuses, 238,000 students, five hospitals and three national laboratories.

For years, students have said they want more control over decisions that affect them: tuition, housing and meals, for example. Students have also said they want a second voting student regent — a change that would require amending the state Constitution.

Outgoing Gov. Jerry Brown “was a hard ‘no’” on that, said Caroline Siegel-Singh, a junior at UC San Diego and president of the statewide UC Student Association.

The compromise in 2016 was a pilot program creating a non-voting student advocate to participate with the regents — without being a regent — to get around the seemingly unscalable wall of the Constitution. The idea came from then-student Regent Avi Oved, now a law student at UCLA.

With 26 regents, influencing UC policy is less dependent on a single vote than it is on “building relationships with the regents and being consistently present,” Oved said Friday. “A lot of times, the work is done before an item gets to the regents” for a vote.

The idea also expanded student representation: If the student regent was a graduate student, as Graves is this year, then the student advocate would be an undergraduate, and vice versa.

Graves, a UCLA doctoral student in higher education, said he favors eliminating the advocate because few students applied for the post, and because it doesn’t have the strong support from UC headquarters that the student regents do: tuition waivers and help from the regents’ staff, for example. He also pointed to 11 other student roles: Some can make presentations to the regents, others can eat lunch with them, and others can sit in on committees.

Yet Graves, who participated in the phone meeting with student leaders, said he supports the students’ decision to fight for the student advocate.

“I think the regents will hear out the students’ concerns and try to rectify and implement something that everyone is happy with,” he said. At the same time, he said, the push for a second student regent isn’t dead. Brown may not have supported the idea, “but we have an opportunity with the new governor to see where he lies on that issue.”

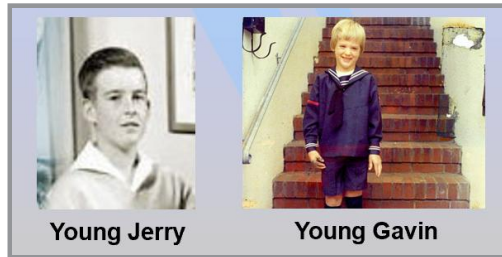
Siegel-Singh, the student association president, agreed. “I think he’ll be a lot easier to work with than Jerry Brown,” she said.

As lieutenant governor, Gavin Newsom has been a regent for years, known for student-friendly votes against tuition hikes. As governor, he’ll become the regents’ president.

Source: <https://www.sfchronicle.com/bayarea/article/Student-leaders-say-they-ll-fight-UC-regents-13496536.php>

More Student-Friendly?

Sunday, December 30, 2018



In case you missed the speculation at the end of yesterday's post:

(Caroline) Siegel-Singh, the (UC) student association president, (said), "I think he'll be a lot easier to work with than Jerry Brown." As lieutenant governor, Gavin Newsom has been a regent for years, known for student-friendly votes against tuition hikes. As governor, he'll become the regents' president.

Some Advance Preparation for New Years Eve

Sunday, December 30, 2018



There's not likely to be much UCLA or UC news to discuss between now and 2019. So we'll provide some timely, seasonal entertainment (albeit from the past) in our next few postings. We'll start with this:

In the 1960s, New York radio personality Jean Shepherd described his leave from the Army during World War II on New Year's Eve in Kansas City. A different kind of war story. This is part 1 below:

Part 1:

Part 2: *The exciting conclusion is below:*

Some Advance Preparation for New Years Eve - Part 2

Monday, December 31, 2018



There's not likely to be much UCLA or UC news to discuss between now and 2019. So, as we did yesterday, we'll again provide some timely, seasonal entertainment (albeit from the past).

Here is something a bit darker than our previous posting:



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